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# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

## Consideration of reports submitted by States parties under article 18 of the Convention

### Second and third periodic reports of States parties due in 2013

## Timor-Leste*

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* The present document is being issued without formal editing.

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# Contents


| | Page |
|---|---|
| Introduction | 4 |
| Abbreviations | 5 |
| Key finding | 9 |
| CEDAW Specific Document | |
| Article 1: Definition of Discrimination | 13 |
| Filing Complaints on Discrimination against Women | 14 |
| Article 2: Policy Measures | 14 |
| Basic legislation | 14 |
| National Women's Machinery | 15 |
| Government Efforts to Promote Gender Mainstreaming | 17 |
| Millennium Development Goals (MDGs) | 22 |
| Article 3: Guarantee of Basic Human Rights and Fundamental Freedoms | 22 |
| Dissemination of CEDAW and related documents | 22 |
| Gender Based Violence | 23 |
| Implementation of SCR 1325 | 33 |
| Article 4: Special measures to accelerate progress towards equality | 34 |
| Article 5: Sex Role Stereotyping and Prejudice | 35 |
| Women and decision-making within household | 35 |
| Government initiatives on the modification of stereotypes | 37 |
| Article 6: Trafficking and Prostitution | 38 |
| Legal framework | 38 |
| Measures for strengthening the legal framework on Human Trafficking | 39 |
| National Action Plan on Human Trafficking | 39 |
| Article 7: Political and Public Life | 41 |
| Women and political participation at the national level | 41 |
| Participation of women at the local level | 42 |
| Obstacles to Women's Participation in Politics | 43 |
| Article 8: Representation and Participation at International Level | 44 |
| Article 9: Nationality | 45 |
| Article 10: Education | 45 |
| Policy and Legal Framework | 45 |
| Participation of Women in Education | 45 |
| Violence and Security in Schools | 48 |

Article 11: Employment ... 50
Legal Framework ... 50
Compliance Monitoring Mechanism ... 51
Women and labour force participation ... 51
Women in Leadership Positions within the Public Administration ... 54
Women in decision making positions in private sector ... 55
Government's initiatives in regards to employment ... 55
Article 12: Healthcare and Family Planning ... 57
Data on Reproductive Health ... 57
National Health Sector Strategic Plan 2011-2030 ... 59
Child Health ... 61
Family Planning ... 61
Mental Health ... 62
Article 13: Economic and Social Benefits ... 62
Social Protection to Vulnerable Groups ... 63
Cash Transfer Programmes ... 64
Access to Credit Facilities ... 65
Article 14: Rural Women ... 66
Policies and Legislation ... 67
Access to Rural Infrastructure ... 69
Support to Women's Economic and Income Generating Activities ... 71
Article 15: Equality before the law ... 72
Legal capacity ... 72
Access to justice ... 73
Article 16: Marriage and Family life ... 73
Traditional marriage and its regulation by the Civil Code ... 73
Family, inheritance and ownership rights ... 75
Choice of spouse ... 76
Rights and responsibilities of the spouses ... 76
Divorce ... 76
Waiting period to remarry after divorce and death of a spouse ... 77
Annexes** 

** The annexes to the present document are on file with the secretariat and are available for consultation.

## Introduction

The present report constitutes the 2nd and 3rd Combined Periodic CEDAW Report elaborated for consideration by the CEDAW Committee, on the implementation of the provisions of the CEDAW Convention. The Initial State Report was submitted in 2008 and considered by the CEDAW Committee during its forty-fourth session on 30 July 2009.

This CEDAW Periodic Report provides information on the legal and other steps and measures taken towards the implementation of the Convention and the Concluding Observations, and on remaining obstacles to the enjoyment by women of their rights, during the period since the consideration of the Initial Report, and the due date of the Periodic Report. As such, the present report covers the period from August 2009 to May 2013.

SEPI appreciates that general information on the framework for the protection and promotion of human rights, non-discrimination and equality should be included in the Common Core Document, including matters such as the promotion of equal opportunities and non-discrimination in legislation; legislation prohibiting violence against women, institution(s) serving as the national machinery for women; gender budgeting and its results. However, in the absence of an updated Common Core Document at the date of the submission of the CEDAW Periodic Report, all relevant information has been included in the present document. As a consequence, the Government expresses regret for the length of the report as it exceeds the 40 page recommendation.

In order to emphasize the specific paragraphs responding directly to the Concluding Observations, it was decided to highlight these in grey. Furthermore, as the general legal framework has significantly evolved since the Initial State Report and a number of codes, laws and policies have been introduced by the State, excerpts of provisions relevant to CEDAW have been annexed to the report.

The report was prepared by the office of the Secretary of State for the Promotion of Equality (SEPI) in close collaboration with all relevant government institutions and national institutions such as the office of the Ombudsman for Human Rights and Justice. Civil Society also participated through their contribution in the various consultations. The elaboration of the report was facilitated through the funding of activities (consultations, translation, and printing) and collaborative technical inputs from UN Women.

## Abbreviations

| | |
|---|---|
| AAP | Annual Action Plan |
| AIDS | Acquired Immune Deficiency Syndrome |
| AJTL | Associação Jornalista Timor-Leste - Timor-Leste Journalists Association |
| ANC | Ante-Natal Care |
| BCC | Behaviour Change Communication |
| BEOC | Basic Emergency Obstetric Care |
| BESIK | Bee, Saneamentu no Ijiene iha Komunidade – Water, Sanitation and Hygiene in the Community |
| BMI | Body Mass Index |
| BNCTL | Banco Nacional do Comércio de Timor-Leste – National Bank of Commerce of Timor-Leste |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CEOC | Comprehensive Emergency Obstetric Care |
| CHC | Community Health Centre |
| CLC | Community Learning Centre |
| COs | Concluding Observations |
| CPO | Child Protection Officer |
| DHS | Demographic and Health Survey |
| DNE | Direcção Nacional de Estatística – National Directorate for Statistics |
| DNSA | Direcção Nacional de Saneamento e Agua - National Directorate of Water and Sanitation |
| DV | Domestic Violence |
| FEFOP | Fundo para Emprego e Formação Profissional - Employment and Professional Training Fund |
| FP | Family Planning |
| GAP | Gender Action Plan |
| GBV | Gender-Based Violence |
| GEL | Gender Equality Law |
| GFP | Gender Focal Point |

| | |
|---|---|
| GIE | General Inspector for Education |
| GMF | Grupu Maneja Fasilidade - Facility Management Group |
| GMPTL | Grupo de Mulheres Parlamentares de Timor-Leste - Group of Women Parliamentarians of Timor-Leste |
| GRB | Gender Responsive Budgeting |
| GWG | Gender Working Group |
| HIV | Human Immuno-Deficiency Virus |
| IADE | Instituto de Apoio ao Desenvolvimento Empresarial – Institute for the Support of Business Development |
| IDP | Internally Displaced People |
| IMR | Infant Mortality Rate |
| INFUSE | Inclusive Finance for the Under-served Economy |
| IOM | International Organization for Migration |
| KJK | Komisaun Jestaun Keixa – Complaints Management Commission |
| LADV | Law against Domestic Violence |
| LFS | Labour Force Survey |
| LoA | Letter of Agreement |
| LTC | Legal Training Centre |
| MAEOT | (Former) Ministerio da Administração Estatal e Ordenamento do Territorio - Ministry of State Administration and Territorial Management |
| MAE | (New) Ministerio da Administração Estatal – Ministry of State Administration |
| MAP | Ministerio de Agricultura e Pescas – Ministry of Agriculture and Fisheries |
| MCIE | Ministry of Commerce, Industry and Environment |
| MDG | Millennium Development Goal |
| MMR | Maternal Mortality Rate |
| MNEC | Ministerio dos Negócios Estrangeiros e Cooperação – Ministry of Foreign Affairs |
| ME | Ministry of Education |
| MF | Ministry of Finance |
| MH | Ministry of Health |

| | |
|---|---|
| MJ | Ministry of Justice |
| MOP | Ministério das Obras Publicas – Ministry of Public Works |
| MoU | Memorandum of Understanding |
| MoWE | (Indonesian) Ministry of Women's Empowerment and Child Protection |
| MSS | Ministry of Social Solidarity |
| NAP | National Action Plan |
| NDCR | National Directorate of Community Reinsertion |
| NESP | National Education Strategic Plan |
| NGO | Non-Governmental Organization |
| NHSP | National Health Strategic Plan |
| NITL | National Insurance Timor-Leste |
| NRHS | National Reproductive Health Strategy |
| OPD | Public Defender's Office |
| OPE | (Former) Office of the Advisor to the Prime Minister on the Promotion of Equality |
| OPM | Office of the Prime Minister |
| PDHJ | Provedoria dos Direitos Humanos e Justicia – Ombudsman for Human Rights and Justice |
| PNTL | Policia Nacional de Timor-Leste – National Police of Timor-Leste |
| PSC | Public Service Commission |
| PyD | (NGO) Paz y Desarrollo – Peace and Development |
| R4D | Roads for Development (Programme) |
| SDP | Strategic Development Plan |
| SEAPRI | Secretário de Estado para o Apoio e Promoção do Setor Privado - Secretary of State for the Promotion of the Private Sector |
| SEPFOPE | Secretário de Estado para a Politica de Formação Profissional e Emprego - Secretary of State for the Policy of Vocational Training and Employment |
| SEPI | Secretary of State for the Promotion of Equality |
| SISCa | Integrated Community Health Services |
| SOPs | Standard Operating Procedures |

| | |
|---|---|
| STAE | Secretariado Técnico de Administração Eleitora - Technical Secretariat for Electoral Administration |
| TLMDC | Timor-Leste Media Development Centre |
| TSM | Temporary Special Measures |
| TVET | Technical and Vocational Education and Training |
| TVTL | Television of Timor-Leste |
| UNDIL | University of Dili |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific and Cultural Organisation |
| UNFPA | United Nations Population Fund |
| UNICEF | United Nations Children's Fund |
| UNMIT | United Nations Integrated Mission in Timor-Leste |
| UNPOL | United Nations Police |
| UNSCR | United Nations Security Council Resolution |
| UNTL | National University of Timor-Leste |
| VPU | Vulnerable Persons Unit |

## Key findings

### Access to Justice

*Positive Developments*

- The Office of the Public Defender (OPD) has been constantly present in the districts since 2009.
- The OPD designed in 2012 a comprehensive communication strategy which includes outreach, publications, media and a website to increase legal literacy, awareness and knowledge of rights to access a Public Defender.
- Tribunals have 4 Mobile Courts covering 13 districts to reach most remote areas.
- Legal Training Center trains judicial actors on Human Rights Conventions
- Ministry of Justice (MJ) has had seminars including CEDAW for court officials, prosecutors and public defenders since 2007.
- Office of the Ombudsman for Human Rights and Justice (PDHJ) receives Complaints on Human Rights Violations and Maladministration.
- MJ has conducted a Nationwide Legal Literacy Campaign.

*Persistent challenges*

- High number of cases under investigation.
- Coordination between prosecutors and PNTL.
- Lack of functioning case tracking system.
- Limited understanding of legal procedures/rights by victims.
- Delays in the court process.
- Lack of detail on complaints being received by PDHJ.

### Violence against Women

*Positive developments*

- Law against Domestic Violence (LADV) No. 7/2010 made any form of DV a public crime needing to go through the formal justice system.
- LADV covers marital rape through provision on sexual violence "even within a marriage".
- Dissemination has been done in all districts targeting local authorities, village chiefs, traditional leaders, communities and universities.
- National Action Plan on Gender Based Violence 2012-14 including a Monitoring & Evaluation Framework and Costing was passed.
- SEPI has had various Memoranda of Understanding (MoU) with Television Timor-Leste and the Timor-Leste Media Development Centre for Programs on TV and Community Radio on topics of gender equality including Violence against Women.

*Persistent challenges*

- Lack of harmonised Gender-Based Violence (GBV) data collection system between government and NGOs.
- Law on Protection of Witnesses passed in 2009 but still inoperative.
- Rotation of Vulnerable Persons Unit police officers affects training retention on victim services and GBV investigations.
- Reluctance to report cases to the police.
- Lack of knowledge on the LADV by community leaders.
- Traditional justice still preferred.

**Education**

*Positive developments*

- Bolsa da Mae in 13 districts reaching 14,000 beneficiaries in 2012.
- 90% school-age children enrolled in basic education, 48% girls in 2011.
- 30,698 males (50.5%) and 30,269 females (49.5%) registered in the secondary (junior high) school in 2011-12.
- 20,603 (49.4%) males and 21,107 (50.6%) females in Senior High School and Technical Education.
- 204,463 people graduated from the National Literacy Campaign 'Sim Eu Posso', estimated 65% female in 2011-12.
- 658 scholarships to study abroad, 37% to females in 2010-13.
- 2011 a "Zero Tolerance" policy covers sexual violence, corporal punishment and other forms of violence in schools.

*Challenges remaining*

- Girls' dropouts are related to unplanned pregnancy, failure of final exams, sickness, traditional held beliefs regarding girls education, and sometimes due to sexual violence.
- No official re-entry policy adopted by government yet.
- 9 cases of sexual violence were reported to the General Inspector for Education in 2011-12, of these, 5 were resolved traditionally, and 4 through the court.

**Health**

*Positive developments*

- Maternal and Child Health are national priorities in the National Health Sector Strategic Plan 2011-2030.
- National Reproductive Health Strategy revised to become an umbrella Maternal/Newborn/Child Health Strategy.

- 46 maternity and health centres were built to increase maternal and reproductive health in 2007-12.
- A School for Nurses and Midwives was created at UNTL in 2010.
- 86% women receive ante-natal care in 2009-10.
- Post-natal care reached 46.7% in 2012.
- Adolescent Sexual Reproductive Health Curriculum for Jr and Sr Secondary School has been developed.

*Challenges remaining*

- TL still has one of the highest fertility rates in the region with 5.7 children per woman.
- TL still has one of the highest maternal mortality rates in the world, at 557/100,000.
- 59% women received skilled delivery assistance from a doctor, nurse or midwife.
- Only 26% married women use a modern family planning method in 2011 and 2012.
- Only 42% family planning needs for spacing or limiting are being met.

**Employment**

*Positive developments*

- New Labour Code passed Feb 2012 covers equality of opportunities and treatment in access to employment, vocational training, professional development, working conditions and remuneration. It also covers non-discrimination in employment, and prohibits verbal, non-verbal, physical and sexual harassment.
- The development of a Private Sector Gender Strategy to enhance collaboration among key stakeholders, taking into account gender differences and concerns, and responds to the needs of micro, small and medium entrepreneurs.
- 49% Institute of Support for Business Development (IADE) clients were women in 2012, receiving business and financial planning support.
- Of women who were primarily inactive (e.g. classified as homemaker), 42% make some economic contribution through agriculture or handicrafts.

*Challenges remaining*

- Twice as many men (54%) are employed compared to women (26%) in 2010.
- The majority of women (72%) do not participate at all in the labour force, compared to 43% men in 2010. 35% women gave family duties as the major reason for this economic inactivity. However, the labour participation rate of women with no children is still below men.

- To attain level of manager, 75% women versus 42% men need to have completed secondary, technical or vocational school – reveals discrimination because women need higher education to obtain the same job.
- 78% women are in vulnerable employment, without formal arrangements, benefits or social protection.

**Family relations**

*Positive developments*

- New Civil Code passed in 2011, establishes equality between spouses, levelling the minimum age for both men and women to 17 years old, and does not differentiate between men and women on legal capacity.
- Each spouse may manage his/her own assets, and has user rights of joint goods.
- Men and women may equally inherit or receive property.

*Challenges remaining*

- Minimum age for both men and women to 17 years old.
- 2% of currently married women are in a polygynous union.
- Despite the provisions of the new Civil Code, the traditional inheritance system, following matrilineal and patrilineal lines is still dominant, especially in rural areas.
- Despite the fact that the new generations are freer to decide their own spouse, dowry and traditional marriage obligations remain.

**Stereotypes and negative practices**

*Positive developments*

- National Policy on Culture affirms that "culture and traditions are dynamic processes that evolve over time [...]".
- Nationwide socialization of the LADV has covered all districts by 2012.
- MoU between SEPI with Television Timor-Leste (TVTL) and the Timor-Leste Media Development Centre (TLMDC) and Timor Post newspaper for the broadcast and publication of gender issues.
- Partnership between SEPI and TLMDC monitoring media coverage and journalists' attitude toward gender and violence against women.

*Challenges remaining*

- Customs and the tradition still affect perceptions of rights and power despite the significant number of awareness-raising events, campaign and trainings.
- Use of physical force by a man in an intimate relationship is still not systematically viewed as an offense by both men and women, and considered an ordinary domestic occurrence.

**Political participation and Participation in Public Life**

*Positive developments*

- 2nd amendment of the Parliamentarian Electoral Law June 2011 establishing at least 1 woman per group of 3 candidates - led to the election of 38% female Parliamentarians.
- Political Platform of Women in Politics 2012-2017 committed to address 7 priority points for women in the areas of Education, Economy, Health, Politics, Culture, Media and Justice, Peace and Security.
- Women in Leadership trainings and capacity building programmes have been conducted at the community level, particularly before each election.
- Within the National Mechanism for Accelerating Community Development – National Village Development Programme, there is a target to recruit and train 40% women to implement the mechanism, and special provision for local women's meetings.

*Challenges remaining*

- Women's participation in politics at the local level is still very low (only 2% female village chiefs).

## Article 1: Definition of Discrimination

1. The first broad research on Timorese constitutional law was published late 2011. This benchmark in Timorese constitutional law clarified concepts of the Constitution, particularly the concept of non-discrimination from Article 16. It defines the principle of non-discrimination as a corollary of the principle of equality: "the illegitimacy of differentiations between individuals based purely subjective categories as listed under Paragraph 2 of this Article", which includes sex.[1]

2. However, neither the National Constitution nor other laws include a definition of discrimination against women in accordance with article 1 of the Convention.

3. The State has a duty to protect its people against all forms of discrimination, including through penal law. The Penal Code, approved by Decree-Law N° 19/2009 of April 2009, considers as an aggravating circumstance a person who has committed a crime motivated by gender [Art. 52, e)].[2]

4. The monistic system of application of international law in Timor-Leste makes the definition of discrimination included in Art. 1 of the Convention part of the domestic legal framework although it remains untested by any judicial interpretation and jurisprudence.

[1] '*Constituição anotada da República Democrática de Timor-Leste*', Pedro Carlos Bacelar de Vasconcelos, Braga, October 2011, Pg. 68

[2] Ibid., Pg. 70

**Filing Complaints on Discrimination against Women**

5. The office of the Ombudsman for Human Rights and Justice – *Provedoria dos Direitos Humanos e Justicia (PDHJ)* – receives complaints under the Division of Public Assistance. It receives the complaints either in person at the National office and the 4 regional offices, or by phone, or by written submissions deposited in boxes for the purpose situated at each District and Sub-District Administration Office.

6. The complaints first go through a preliminary evaluation by the Complaints Management Commission (*Komisaun Jestaun Keixa – KJK*) and will be then be investigated by PDHJ if it has jurisdiction. Once the investigation is over, the case is transmitted to the public prosecutor together with recommendations for action within 60 days. The PDHJ mandate allows it to only investigate in discrimination, human rights violation or maladministration cases related to state actors. However, it may make analysis of state action or inaction in terms of the application of law, control measures of state institutions, and access to remedies by the aggrieved parties. For further information, please refer to the Timor-Leste's common core document, paragraphs 150 to 156.[3]

## Article 2: Policy Measures

**Basic legislation**

*Legal status of the Convention*

7. Regarding the legal status of international instruments over national legislation, Law N°6/2010 on International Treaties (attached in annex) was adopted in 2010 to clarify this issue. The law states that "For solemn treaties, the binding of the Timorese State occurs with its ratification".

8. In reference to the question of norms hierarchy between the integrated international law and the domestic law, Article 9.3 asserts the primacy of international norms over the domestic, and the invalidity of any domestic law contrary to the provisions of international conventions, treaties or agreements. In this view, the highest legal authority may receive constitutional appeals, and should be proactive in reviewing laws and regulations for constitutional violations. The highest court of law is currently the Court of Appeals, as a Supreme Court has not yet been created.

*Specific Legislation on Equality*

9. On the interpretation and inclusion of the principle of equality in the National Constitution, Article 17 on 'Equality between Women and Men' states that "Women and men shall have the same rights and duties in all areas of family, political, economic, social, and cultural life."

10. The principle of equality is also integrated in a number of specific laws such as the Civil Code (Art. 1559), the Labour Code (Art. 6), the Election Law for National Parliament (Art. 8), and the Law against Domestic Violence (Art. 4), etc... and is further elaborated upon in each law (refer to annex).

[3] Response to the CEDAW questionnaire from PDHJ

11. Discussions started in 2008 on the development of a Gender Equality Law (GEL) under the lead of the Group of Women Parliamentarians of Timor-Leste (Grupo de Mulheres Parlamentares de Timor-Leste – GMPTL), supported by UNIFEM. This initiative was justified at the time due to the weak general legal framework as the Penal Code, Civil Code and Law against Domestic Violence (LADV) and others, had not yet been adopted. Since this time, these major pieces of legislation have been passed, taking in account much of the concerns of the GEL, and so the previous Parliament decided to not go ahead with the draft GEL, so as to focus on the enforcement of the newly passed laws and the protection of women's rights.

12. As an illustration, all provisions of the former draft GEL regarding equality in employment – equal right to work, equal pay for work of equal value, support for safe pregnancy and maternity, provision of maternity leave, etc… were included in the Labour Code; and equality in family life – equal right to choose a spouse, equal rights and responsibilities during marriage, equal rights and responsibilities relating to guardianship, etc…were included in the Civil Code.

13. Noting that there recently have been discussions under the new legislature, under the lead of GMPTL, to re-consider the position of the Parliament on the issue of the GEL and possibly re-open the official debate for the development/adoption of the GEL.[4]

**National Women's Machinery**

14. The IV government set up the Secretary of State for the Promotion of Equality (SEPI) by Decree-Law 16/2008 on 4th June 2008 to replace the former Office of the Advisor to the Prime Minister on the Promotion of Equality (OPE) as detailed in the Initial Report. It has been since its creation, the main Government body responsible for creating, coordinating and assessing gender equality promotion policies.

15. As such, SEPI's main role and added value lies in its coordinating and oversight functions. It is not an implementing agency, as implementation of laws, policies and programmes are in the hands of the line ministries. However, SEPI has a catalytic role in promoting gender equality in Timor-Leste. It serves as the prime mover for gender equality within government and must advocate so that gender is incorporated in all policies, programmes and budgets of government institutions.[5]

16. Building on the OPE's experience, SEPI developed five strategic goals in its Strategic Plan 2012-2017:

i. Build SEPI's capacity in gender mainstreaming

ii. Advocate for gender responsive policies and legislation at national and local levels

iii. Reinforce gender mainstreaming mechanisms in government institutions and state agencies for policies, programmes, processes and budgeting

[4] Interview of Charlemagne Sophia Gómez, Legal Gender Advisor to the National Parliament, Dili, 16th May 2013

[5] Annual Report 2009 – Secretary of State for the Promotion of Equality, Democratic Republic of Timor-Leste, IVth Constitutional Government, Dili, 2010

iv. Raise the level of awareness among stakeholders and the general public at national and local levels in order to support the promotion of gender equality

v. Women's economic empowerment

17. On the lack of adequate financial and human resources to ensure SEPI's effective functioning, the government of Timor-Leste is proud that both SEPI's budget and human resources have increased every year since its creation. Indeed, the overall budget allocated to SEPI rose from $342,000USD in 2008 up to $1,378,000USD in 2012 (generally, expenditure is over 90% per year) and expected to rise again for 2013, up to $1,867,000USD. It represents an increase of 303% in a 4 year period.[6]

18. However, it is necessary to weigh up this budget rise in comparison to the whole government's budget. Indeed, the latter significantly increased also in the same period of time, and SEPI's budget has remained one of the lowest institutions' budgets of the government, which can be justified once again by the fact that SEPI is not an implementing agency. The overall government budget in 2008 amounted to a total of $788,312,000USD, and increased up to $1,806,781,945USD for 2012 which represents an increase of 129% in the same 4 year period.[7]

19. SEPI's human resources followed roughly the same trajectory as its financial resources. There were 15 public servants when it was created. At the time of writing, there are 61 public servants working for SEPI, including 13 new district staff (8 have been recruited and are operational) that will be located in the District Administration Offices to assist the district Gender Working Groups (GWGs). About 60% of these permanent staff members were women in 2012. In addition to the 61 public servants there are also various national and international advisors providing technical assistance and capacity building, and 2 international volunteers located in the districts of Baucau and Liquiça assisting the GWGs.[8]

*Technical and financial assistance*

20. SEPI has received technical and financial assistance of various specialized agencies and programmes of the United Nations system, namely UNFPA and UN Women, in addition to other donors such as Norwegian government, Irish Aid and AECID (Spanish aid agency). Financial assistance during the period 2009 - 2012 reached $4,018,437 USD; UNFPA being the major contributor ($2,570,280 USD) mainly due to programming related to elimination of Gender Based Violence (to be detailed later on in this report).[9]

21. In order to assist and facilitate SEPI's task in the implementation of its strategic plan for its second phase, a Harmonized Letter of Agreement (LoA) was signed in 2012 between SEPI and UN Women. The implementation of this LoA

[6] *'Orsamento Ano Fiscal 2007 to'o 2012'* (presented at Parliament during Committee Review of 2013 SEPI's budget), National Directorate for Administration of Finance, SEPI, Dili, 2013

[7] Timor-Leste's budget transparency portal: http://budgettransparency.gov.tl/publicTransparency/transparencyNavigation?fiscalYearId=82&isInflow=false; accessed on the 16th January 2013

[8] Explanatory note on the execution of 2012 SEPI's budget (presented at Parliament during Committee Review of 2013 SEPI's budget), National Directorate for Administration of Finance, SEPI, Dili, 2013

[9] SEPI's data (response of the SEPI's inspector and auditor to CEDAW questionnaire), Dili, 2012

intends to support priority goals set out in SEPI's Strategy for 2010-2017 as well as national priorities related to gender equality and women's empowerment in the Timor-Leste Strategic Development Plan (SDP) 2011-2030.

*International cooperation*

22. In terms of international cooperation for women's empowerment and the promotion of gender equality in national development, the government of Timor-Leste, through SEPI, signed 2 different Memorandum of Understanding (MoU) with the government of Indonesia in 2012, through its Ministry of Women's Empowerment and Child Protection (MoWE); as well as with Portugal in 2011, through its Commission for Citizenship and Gender Equality.[10] These MoU especially aims to strengthen and broaden mutual cooperation in the areas of capacity building and policy.

23. Reflecting the desire of SEPI to develop academic relations on gender issues, detailed in the MoU between SEPI and MoWE, SEPI reached a cooperation agreement with the University of Gadjah Mada in Jogjakarta, Indonesia, in the area of human resource training, institutional promotion and scientific investigation, i.e. for the training and empowerment of SEPI's technical staff.

**Government Efforts to Promote Gender Mainstreaming**

24. The Strategic Development Plan (SDP) 2011-2030 states that: "Our vision is that in 2030 Timor-Leste will be a gender-fair society where human dignity and women's rights are valued, protected and promoted by our laws and culture. To achieve this vision, we will promote gender mainstreaming across government policies, programmes, processes and budgets."[11]

25. SEPI, as the main governmental body for promoting gender equality set up in 2008 a coordination mechanism through the establishment of a Gender Focal Point (GFP) network in each ministry and in the districts, approved by the Government Resolution No. 11/2008. In many ways, the mechanism has been successful as it supported certain ministries to conduct gender assessments, elaborate gender strategies or policies and run internal gender trainings. In ministries where the GFP were in positions of influence, they were able to affect the policies of their ministry.

26. The GFPs faced some challenges especially when their level was below that of director, due to their inability to influence planning or budgeting processes.[12]

*Gender Working Group mechanism*

27. After almost three years of GFP mechanism implementation, in 2011 SEPI submitted to the Council of Ministers a new resolution upgrading it to a Gender Working Group (GWG) mechanism. It was adopted September 2011 through Government Resolution N°27/2011. The new mechanism intended to make coordination and monitoring more effective, and better promote gender

[10] "Memorandum of Understanding between the Government of the Democratic Republic of Timor-Leste and the Government of the Republic of Indonesia on cooperation in the field of women empowerment and promotion of equality", Jakarta, 2012

[11] Timor-Leste Strategic Development Plan 2011-2030, Prime Minister office, Dili, 2010

[12] "Notes for Secretary of State on SEPI revised resolution on Gender Focal Point coordination mechanism", SEPI, Dili, 2011

mainstreaming by elevating membership to higher level personnel, with greater influence in their ministries.

*National-level Gender Working Groups*

28. At the national level, Resolution 27/2011 stipulates that each Ministry and Secretary of State is to establish a GWG to be chaired by a Director-General and has Director-level members from, at minimum, all the directorates responsible for Planning, Policy, Finance and Monitoring and Evaluation. Thus far, 15 GWGs have been established.

29. Despite slow progress of the GWGs in their first year of existence (mainly due to a busy election period), the main achievements of the national-level GWGs were the increased inclusion of gender priorities in their Annual Plans (APs) and budgets for 2013 (detailed in section below).[13]

*District-level Gender Working Groups*

30. For District-level GWGs, it is required that the chair be the Deputy Administrator and members include the District Commander of the Vulnerable Persons Unit and District Directors of the Ministries of Agriculture, Economy and Development, Education, Health, Infrastructure, Justice and Social Solidarity. All 13 district Gender Working Groups have convened two to three meetings in 2012. The meetings were used primarily to prepare for celebrations of Rural Women's Day (15 October), National Women's Day (3 November) and the 16-Day Campaign to End Violence against Women (25 November – 10 December). Some districts used their meetings to discuss and finalize the terms of reference for their own GWG and to develop Gender Action Plans (GAPs). So far, 12 of have developed comprehensive district-level GAPs for 2013 with the technical assistance of SEPI.[14] Unfortunately, it must be noted that these GAPs were not adopted in the national budget review as the majority were completed in the first quarter of 2013.

31. At the national level, out of a total of 116 GWG members, 53 (45.7%) are women and 63 (54.3%) are men. At the district level, out of 197 DGWG members, 90 are women (45.7%) and 107 (54.3%) are men. For the chairs of the groups, there is a greater imbalance. At the national level out of the 17 chairs, 6 (35.3%) are women and 11 men (64.7%). This imbalance is even greater at the district level out of 13 chairs, there is only 1 woman (7.7%) and 12 men (92.3%).[15]

32. According to SEPI's mandate to coordinate and support the GWGs (see below), 13 new district staff positions were added to SEPI's structure in 2012. Unfortunately, the process for approving SEPI's Organic Law and recruiting the staff through the Civil Service Commission has taken longer than anticipated and as a result, it has been difficult for SEPI to provide assistance to the District-level GWGs during their first year of existence. At the time of writing, 8 have been recruited and 5 are still expected.[16]

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[13] Report on the Gender Working Group Mechanism and Gender Mainstreaming efforts by Ministries, Secretaries of States and Districts – 2012, SEPI, Jan. 2013

[14] Ibid.

[15] Ibid.

[16] Ibid.

*SEPI Inter-Governmental Coordination Mechanism*

33. Representatives from the GWGs both at national and district levels attend inter-sectorial coordination quarterly meetings organized by SEPI to coordinate, collaborate and share information. SEPI also hosts monthly meetings with priority Ministries at the national level, including Health, Education, Agriculture, Justice and Finance to ensure close coordination on specific issues such as CEDAW implementation and GBV.

34. SEPI also provides technical support and capacity building to the GWGs in order to increase understanding in the area of gender issues in order to implement gender sensitive policies and programmes.

35. This new mechanism enables the government to conduct better monitoring of activities to guarantee that policies, programmes and budgets implemented, benefit equally both men and women.[17]

*Gender Responsive Budgeting (GRB) efforts*

36. The government of Timor-Leste has been committed since 2007 to Gender Responsive Budgeting (GRB) in the budget process. From 2007 to 2010, SEPI provided input to some sectors in relation to their planning and budget documents with variable results. GRB was endorsed by the National Parliament through the adoption of the Parliamentary Resolution N°12/2010 published on the 19th of May 2010 on the preparation of a budget that considers gender equality. It is recalled in the preamble of the resolution, as a justification for GRB, that the government of Timor-Leste must fulfill its international obligations, especially CEDAW.[18]

37. In 2010, SEPI was invited by the Office of the Prime Minister (OPM) to review the sectorial Annual Action Plans (AAPs) with a view to improving the implementation of GRB. In 2010, SEPI reviewed 10 AAPs, in 2011 SEPI reviewed 12 AAPs. In 2012, all 32 AAPs from state and non-state actors funded by the General State Budget were reviewed. It is intended over time that specific measurable performance indicators in the AAPs will contribute to gender sensitive budgeting and planning.

38. The implementation of GRB grew significantly between 2011 to present due to major financial support from UN Women that allowed SEPI to seek technical assistance from GRB specialists providing series of training sessions on gender-sensitive planning and budgeting with former GFP and current GWG members, SEPI staff, budget and planning officers in key ministries and civil society.

39. As in previous years since 2009, a gender statement was included in the Budget Preparation Circular in 2013, referring to State Organs, Ministries and agencies needing to follow guidelines on gender-responsive budgeting from SEPI in their budget submissions. This was consolidated by the fact that SEPI was allowed a seat at the Budget Review Committee for the first time, to enter into constructive dialogue, and compel gender-sensitive revisions before the APs were approved and sent to Parliament.

[17] Response to CEDAW questionnaire, Department of liaison – SEPI, Dili, Nov. 2012

[18] Preamble of the Parliamentary Resolution N°12/2010 on the 19th of May 2010, Dili, 2010

40. The whole GRB process being still in an early stage of implementation, as SEPI has been focusing on the provision of gender sensitive inputs to the AAPs. However, there is not yet a proper monitoring & evaluation system of the full integration of SEPI's comments, and the execution of the gender-sensitive plans and budgets.

41. Despite a number of remaining challenges, such as confusion on the roles of SEPI and the Ministry of Finance in GRB, and sectorial responsibilities for gender mainstreaming, the progressive positive impact of the review engendering the AAPs was evident. Another positive aspect of the GRB project supported by UN Women was the inclusion of new stakeholders in GRB such as the National University of Timor-Leste's (UNTL) Gender Studies Center, the national NGO Lao Hamutuk (known as the East Timor Institute for Reconstruction Monitoring and Analysis) and MAEOT (the former Ministry of State Administration and Territorial Management under the previous government, now the Ministry of State Administration).

*National Priorities*

42. The National Priorities Programme 2008-2011 under the lead of the Ministry of Finance, was instrumental for shifting Timor-Leste's focus from emergency and humanitarian assistance, to post-conflict stabilization and recovery, towards development. In doing so, the programme provided a tool for defining and implementing key issues identified as priority each year. Moreover, civil society groups became regular participants in all National Priority Working Groups starting in 2009, with efforts made to include women's groups through Rede Feto, the 'women's network in Timor-Leste'[19].

43. The involvement of SEPI started from the beginning with progressively increasing participation and influence: 5 unique targets with specific gender targets or specifically related to gender in 2008 in 4 different areas, namely public safety and security, social protection and solidarity, employment and income generation and improving social service delivery. It increased up to 18 in 2011, the last year of implementation of National Priorities mechanism, especially on rural development, human resource development, access to justice and social services delivery.[20]

44. In 2011, the launch of the National Strategic Development Plan 2011-2030 (SDP) marked Timor-Leste's transition from annual to multi-year planning and priority setting in support of accelerating development. [21] SEPI is now part of the new Development Policies Coordination Mechanism, which replaces the former National Priorities Working Groups.

*Gender awareness activities*

45. SEPI developed a Memorandum of Understanding (MOU) in 2008 with Television Timor-Leste (TVTL) and the Timor-Leste Media Development Center (TLMDC) to broadcast an interactive TV dialogue program called "*hanoin lisuk*" ("thinking together"). The main objective of these programs was to, on a nationwide scale, share information on gender equality, women's participation in development

[19] Refer to Initial Report - Women's NGOs' Section p.68

[20] Remarks of the Secretary of State for the Promotion of Equality at the occasion of the Development Partner Meeting, Dili, March 2012

[21] Post-National Priorities Lessons Learned Workshop, Ministry of Finance, Dili, April 2012

and increasing public awareness on elimination of discrimination and violence against women. Eight programmes were aired in 2009, covering topics such as "what is CEDAW", "Women in professional training", "Gender Based Violence", "Rural women & development", and "Women as community leaders".[22]

46. This MOU was functioning on an annual basis and was renewed up to 2012. Regrettably, a change of TVTL management and the increase of their rates prevented SEPI from maintaining the MOU. Nonetheless, SEPI conducted a series of televised debates on the occasion of the national elections in 2012 using STL TV (*Suara* - Voice of Timor-Leste).[23]

47. SEPI has also used radio in its efforts to promote gender equality. In partnership with TLMDC, each programme was related to women's participation in development, especially in community decision-making. 4 programmes were broadcast through Community Radios stations at the district-level until 2012.

*Data collection and analysis*

48. Available statistical information on the situation of women in all areas has been an issue. For example, the data collection for a key gender issue in Timor-Leste - domestic violence - was representative of the lack of a consolidated data collection system for GBV statistics. However, the last 2 recent main sources of statistical information, namely the 2009/10 Demographic and Health Survey (DHS) and the 2010 Population and Housing Census, provide most data disaggregated by sex.

49. In 2011 SEPI, with the assistance of the statistics division of the UN Economic and Social Commission for Asia and the Pacific (ESCAP), funded by the Asian Development Bank (ADB), developed a gender statistics programme including workshops on Gender Statistics related to GBV, health, and employment, as well as the use of the DevInfo database, important for fostering gender analysis for evidence-based policy-making. A Country Gender Assessment is now underway with the additional support of UN Women.

50. The Census is an important tool for monitoring progress towards gender equality. As the sex of every household member is recorded, it allows for gender analysis of certain areas, such as education, employment, household composition and housing. A series of thematic monographs such as gender, education, fertility and nuptiality, and labour force were developed.[24] SEPI was part of the steering committee for the development of the Census and had the opportunity to include specific data to be collected such as secondary economic activity, in order to capture the economic contribution of women who are primarily homemakers.

51. Regarding the DHS, the principal objective was to provide current and reliable data on fertility and family planning, child mortality, adult and maternal mortality,

[22] Annual Report 2009 – Secretary of State for the Promotion of Equality, Democratic Republic of Timor-Leste, IVth Constitutional Government, Dili, 2010

[23] Please refer to the women in politics section of the present report

[24] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010

child nutritional status, utilization of maternal and child health services, GBV and knowledge of HIV/AIDS.[25]

52. The Ministry of Finance (MF) through its National Statistics Directorate is committed to enhance all data collection through sex disaggregation as in the 2010 Labour Force Survey, which provided ample information on women in the labour force.[26]

**Millennium Development Goals (MDGs)**

53. Timor-Leste's Strategic Development Plan (SDP) 2011-2030 is an integrated package of strategic policies aligned with the MDGs.[27] Timor-Leste prioritizes nation-building and peace-building as main concerns that must be addressed in order to achieve other social and economic objectives.[28]

54. A MDG Secretariat exists in the Ministry of Finance, and the MDG Steering Committee is chaired by H.E. Emilia Pires with key line ministries, including SEPI, to monitor and analyse progress, and adopt new goals Post-2015.[29]

*Post-2015 MDGs National Consultation*

55. The current Minister of Finance, H.E. Emilia Pires, is part of the High-level Panel of Eminent Persons advising the UN on the Post-2015 Development Agenda.[30] The Government of Timor-Leste is very active in the consultation process including SEPI, and a wide range of civil society organizations and decentralized district administration representatives.[31]

## Article 3: Guarantee of Basic Human Rights and Fundamental Freedoms

**Dissemination of CEDAW and related documents**

56. For wide dissemination, the CEDAW Convention, Optional Protocol, Concluding Observations and certain General Recommendations were translated into the local language – Tetum – were made into booklets and distributed at the national and district levels including Line Ministries, Civil Society Organizations, women's groups, students and academics, local authorities, including *suco* (village) chiefs, chief of *aldeias* (sub-village), traditional leaders, youth groups, police, religious actors, and communities in general from 2009 to 2012. Dissemination of

[25] National Statistics Directorate (NSD) [Timor-Leste], Ministry of Finance [Timor-Leste], and ICF Macro. 2010. *Timor-Leste Demographic and Health Survey 2009-10 (DHS)*. Dili, Timor-Leste, p. xvii

[26] Please refer to the Employment section of the present report

[27] Regarding the education sector for instance, and considering the challenges related to the sector, the Ministry of Education has redefined basic education target for the next 15 years in the SDP such that by 2025 all children, boys and girls alike will be able to complete a full course of 9 years basic education and already available for 93% of all Timorese children by 2015

[28] Timor-Leste Strategic Development Plan 2011-2030, office of the Prime Minister, Dili, 2010

[29] MDG Report 2010 – Timor-Leste, MDG Secretariat with support of UN Country Team and EU delegation in Timor-Leste, Dili, 2010

[30] Please refer to 'Timorese women at International Level's Section – Article 8 of the present report

[31] Summary Report" Consultation on Post 2015-MDG in Timor-Leste, Dili, Jan. 2013

the information was carried out in cooperation with UN Women, UNFPA, UNMIT, UNDP and IOM.[32]

57. Five General Recommendations, identified as particularly relevant to Timorese context (GR 16, 19, 21, 24 and 28), were simplified and translated into Tetum late 2012 for dissemination.[33]

*Dissemination of Concluding Observations*

58. After the release of the Concluding Observations (COs) by the Committee on the Initial State Report, SEPI has been active in leading the dissemination of COs from late 2009 to present. It is notable that a special session on the COs was delivered to the Council of Ministers Nov 2009 with the support of Pramila Patten, CEDAW Committee Member. The COs were also simplified into booklets, and sent to all Line Ministries and Secretary of States, police, military and community groups. A press conference was conducted upon the return of the Timor-Leste CEDAW Delegation from New York to introduce the COs to the community in general. Further advocacy was conducted through media, in the weekly news, radio programs and regular debates and monthly talk show programs on television from 2009 – 2011. National and district workshops on the significance of COs, were held for Women Parliamentarians, Government Gender Focal Points in both national and district focal points, member of Rede-Feto, Women *Suco* Council, *Suco* Chiefs, academia, and civil society organizations during 2009.[34]

*Level of awareness of CEDAW among Judiciary and Law-enforcement officials*

59. The Legal Training Center (LTC) has been running training since 2008 on Human Rights and treaties such as CEDAW, the Universal Declaration of Human Rights and International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights.[35] In addition, the National Directorate for Human Rights and Citizenship (DNDHC) of the Ministry of Justice (MJ) has conducted regular seminars for court officials, prosecutors, and public defenders since 2007 covering CEDAW.[36]

60. However, during the data-gathering phase of the present report, several national prosecutors confessed that they never attended any specific training on CEDAW and that they are not familiar with it.[37] There is a lack of data regarding the knowledge and skills on how to use CEDAW by judicial and law enforcement officers. In order to remedy this situation, the LTC has requested SEPI to institute regular gender training for all judicial actors.

**Gender Based Violence**

61. The high prevalence rate of gender-based violence (GBV) is a key challenge for the rebuilding and development of the country. Domestic violence (DV) is the

[32] Ibid.

[33] Response from SEPI and MJ to CEDAW questionnaire, July 2012.

[34] Ibid

[35] 'Strengthening the Justice sector in Timor-Leste', Justice System Programme – UNDP Timor-Leste, Dili, 2011

[36] Response from the MJ and the J/LTC to CEDAW questionnaire, July 2012.

[37] Response from Prosecutor Yvonia Guterres, from the Office of the General Prosecutor, November, 2012

most common form of GBV in Timor-Leste and has largely prevented women in participating actively in all aspects of the development as it is both a symptom and a cause of gender inequality and discrimination.

62. Despite the lack of accurate data, it is evident that a large proportion of cases tried through formal justice system are related to GBV. From September 2009 to January 2010, incidents of DV constituted about 60% of all crimes reported to the police. This may be attributable to the fact that the Penal Code entered into force in June 2009, making DV a public crime, and because people have been encouraged to report such crimes.

63. The DHS emphasizes the long history of culturally accepted forms of DV in Timor-Leste, where men are given rights to protect and control their wife and children. Acts and attitudes such as beating their wife and children, and isolation of wife from social activities are considered normal and culturally acceptable, even by women themselves. People prefer not to talk about DV, as it is considered a private matter. Sexual crimes, such as rape and marital rape are some of the most taboo issues that often go unreported, thus making accurate data collection challenging.[38]

*Data on Gender Based Violence and Issues of data collection*

64. For the first time, the 2009-2010 DHS measured the prevalence of DV. The DHS reveals that 38% of women have experienced physical violence in their lifetime. Among ever-married women who have ever experienced physical violence, 74% reported that a current husband or partner committed the physical violence against them. One in five women (20%) who were subject to physical or sexual violence by their spouse were injured as a result. Cuts, bruises, and aches are the most common injuries sustained by women.[39] Almost one third of Timorese women (29%) have experienced physical violence in the past 12 months (1% often and 28% sometimes).[40]

65. The DHS also revealed that 3.4% of women have experienced sexual violence. The main perpetrators of sexual violence against ever-married women are their current (71%) or former husband/partner (9%).[41]

66. Data on reported cases of GBV are available from police records, hospital emergency room data, court reports, NGO service providers and the Ministry of Social Solidarity (MSS). However, records kept on GBV are not standardized, which is a barrier to analysis. For instance, the databases from the Office of the General Prosecutor, from PDHJ and from the Vulnerable Person Unit (VPU) of the National Police of Timor-Leste (PNTL) presented significantly different figures, highlighting varying approaches to data collection. Monitoring trends in violence requires a unified system of data collection and reporting on cases, including the resolution of investigations and court proceedings.[42] (Refer to Annexes – Table 1)

67. According to the public prosecutor's data, DV cases registered only in the Dili jurisdiction (includes Dili, Aileu, Liquiça and Ermera districts) amounted to

[38] *DHS 2009-10, p.225*

[39] Timor-Leste DHS 2009-10, p. 275

[40] Ibid., p.229-230

[41] Ibid., p232-233

[42] The Justice System of Timor-Leste – An Independent Comprehensive Needs Assessment, Dili, Oct. 2009 p.68

420 cases in 2011, and 210 cases for 2012 (until November). The majority of these DV cases were tried in the Court.[43] The PNTL-VPU released reports on violence against women which shows different figures[44] (most of the cases processed by the VPU were registered in the Office of General Prosecutor).[45] The MSS through its Protection of Women and Vulnerable Families Department recorded from 2010 – 2012, 36 DV cases, 24 sexual violence cases, 16 sexual harassment cases, 9 incest cases and 30 cases of wife abandonment.[46]

*Evolution of the legal framework regarding domestic violence*

68. Since the Restoration of Independence, the general legal framework has been under development. In the field of GBV, significant improvements have been achieved since the Initial State Report.

***Penal Code***

69. DV became a public crime following the enactment of the Penal Code March 2009, ensuring criminal proceedings do not depend on a formal complaint from the victim; the state is obliged to investigate and prosecute crimes of DV.[47] DV is covered in Art. 154 and 155 (mistreatment of a spouse and a minor). Although there is no definition of DV in the law, these articles provide scope for judges to try cases of DV, whether physical or psychological. Both of these crimes are subject to prison sentences from 2 to 6 years and can rise up to 10 to 15 years in case of aggravating circumstances (article 156).

70. Sexual assault and rape are covered by the articles 171 and 172 and are subject to prison sentences from 2 to 8 years in the first case and from 5 to 15 years in the second case. Under article 173 – 'aggravation', prison sentences can rise up to 12 years for sexual assault and up to 20 years for rape. There is no special exemption (e.g. marital rape).

***Law against Domestic Violence (LADV)***

71. The Law against Domestic Violence (LADV) was passed by the National Parliament in May 3, 2010 and was officially published as Law N° 7/2010. This law reinforces the provisions of the Penal Code in addition to establishing a mechanism to prevent DV, promote victim's rights and guarantee the protection of victims. As such, the law strengthens the support for victims and defines the responsibilities of different government institutions and their collaboration with civil society organizations. This law marked the shift from traditional conflict resolution to a formal criminal justice system.[48]

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[43] Response from the office of General Prosecutor, November 2012.

[44] Please refer to annexes – table 1 : Gender-Based Violence cases recorded by the PNTL-VPU between 2009 and 2012

[45] Information from the PNTL National Crime Investigation – VPU National - Database Report 2009 – 2012.

[46] Response from MSS to CEDAW questionnaire, November 2012.

[47] Kovar, Annika. Approaches to Domestic Violence against Women in Timor-Leste: A Review and Critique. Pg 211

[48] Preamble of the Law N° 7/2010 – Law against Domestic Violence

72. Article 36 of the LADV reinforces all crimes of DV as public crimes. It also does not make any exemptions, and as such facilitates the effective prosecution of perpetrators including a husband partner.

73. The scope of the LADV and the concept of extended family (Art. 3 – Definition of Family) include spouses, de facto partners, all relatives, and any person living in the household in a dependent context. However, during the consultative process of the present report, the understanding by the judges of this provision and its actual application during trials was raised.

74. As defined under the LADV (Art. 2 – Definition of DV), DV covers physical, psychological, sexual and economic violence. The second paragraph of the article has a comprehensive but not exhaustive list of the forms of DV. (please refer to Annex)

75. The law further requires to the government to provide civic education, develop and improve a free system of support to victims, which includes shelters, medical services, legal representation, counseling, protection and provision of basic needs where necessary. It also gives victims the right to seek maintenance from the perpetrator to support her/his needs and that of her/his children. The police are required to investigate and report to the public prosecutor quickly, within five days (Art. 24).

***Law on the protection of witnesses***

76. As developed later on this report, Law N°2/2009 on the Protection of Witnesses was passed in 2009.[49] However, at the time of writing, the law has not yet been implemented and remains inoperative.

*Marital Rape*

77. The definition of DV included in article 2 (1) of the LADV covers sexual violence "even within a marriage". As such, the LADV encompasses a wide range of sexual harms, including marital rape, and attempted rape; assault, abuse, and harassment; intimate partner and family violence, and affirms that forced sexual intercourse between couples/partners is a domestic crime. This type of sexual violence is now clearly punishable and considered an aggravated crime according to article 173 of the Penal Code. [50]

78. Generally, 'marital rape' has been a new concept for many Timorese and has been considered a cultural issue. It has been a taboo topic and never in public discussions until the Penal Code and the LADV were promulgated and disseminated to the wider community. This is demonstrated through the 2009-10 TLDHS where 29% women believed that marital rape was allowable, giving the husband authority over a woman's sexuality. The proportion holding this belief was lowest amongst women with a tertiary education (11%) and highest amongst those with no education (34%).[51] Indeed, the police and the Office of Prosecutor General reported that

[49] Please refer to the Human Trafficking Section
[50] Response by the MJ to CEDAW questionnaire, July, 2012.
[51] DHS 2009-10, p.247

to-date, even though marital rape is now punishable, there have not been any cases registered as marital rape.[52]

*Socialization of the LADV*

79. Soon after the promulgation of the LADV in 2010, the Government selected 6 districts for initial socialization, identified by the 2009-10 TLDHS with highest rate of violence against women. Nationwide socialization of the LADV covering all districts was done 2011/2012.

80. The celebration of the International Women's Day on March 8, 2011 became a milestone for the public socialization of this law, as SEPI conducted Community Dialogues on DV, and invited 228 *Suco* Chiefs from 13 Districts to a seminar in Dili to hear, learn and discuss about the LADV and understand that DV is a public crime. Academic discussions were also conducted by SEPI on LADV at the University of Dili (UNDIL) and the University of Timor-Leste (UNTL). Since 2010, SEPI has conducted the 16 Days Campaign on Violence against Women, socializing the LADV.[53]

81. In 2012, SEPI conducted a Border Dialogue, between displaced Timorese living in West-Timor, Indonesia, with Timorese from Timor-Leste. The dialogue's theme "Let's Work Together to Eliminate Discrimination and Violence against Women" was aimed at to create an opportunity for Timorese women to discuss their involvement in political, economic and social life and obstacles (such as GBV) that prevent them from participating in the development of the country.[54]

82. SEPI continues to coordinate regular roundtable discussions, started March 2011, with judicial actors and women's organizations in order to discuss the LADV and how socialization could be improved at all levels, in particular with the line ministries.[55]

*National Action Plan on Gender Based Violence (NAP on GBV)*

83. The NAP on GBV, as required by the LADV, is a multi-sectoral 3 year strategy (2012-2014), focusing on the implementation of the provisions contained within the LADV, and aims to prevent GBV, address the needs of its victims and hold perpetrators accountable.

84. The NAP identifies short-term and long-term goals, including strategic areas of focus, spheres for mutual collaboration and improved coordination. In order to accomplish this, the plan focuses on four strategic priority areas: (i) 'Prevention of GBV'; (ii) 'Provision of Services to Victims of GBV'; (iii) 'Delivering Justice' and (iv) 'Coordination, Monitoring and Evaluation'.[56]

85. The NAP also includes an indicative costing of activities covered by the plan in order to support implementation of the NAP, assisting line-ministries in their

[52] Response from Inspector Daria Ximenes from PNTL – VPU and Prosecutor Yvonia Guterres from the office General Prosecutor of Timor-Leste.

[53] Response from SEPI to CEDAW Report, September 2012 with additional interview with SEPI's Chief of Training, Filomena Babo.

[54] Ibid

[55] Ibid

[56] National Action Plan on Gender-based Violence, Office of the Secretary of State for the Promotion of Equality, Dili, 2012., p. 19

development of their Annual Plans as part of GRB efforts. The grand total of this indicative costing is evaluated as more than $7 million USD (highest budget for the provision of services).[57]

86. It is SEPI's responsibility to lead the 'coordination entity' overseeing the plan's implementation, drawing on the recently established GWG mechanism in the 5 key ministries, namely the Ministry of Health (MH), Ministry of Education (ME), Ministry of Justice (MJ), Ministry of Social Solidarity (MSS) and the Secretary of State for Security. In addition to these key ministries, the 'coordination entity' includes a representative from the office of the Ombudsman for Human Rights and Justice, as well as 3 civil society representatives, each coming from a different strategic focus area of the NAP.[58]

*Assistance to victims*

87. As stated above, the LADV provides for a variety of specialized support and assistance services dedicated for victims, including shelters, emergency medical assistance, counseling, social and legal assistance. However, at the time of writing, access to services varies and is a particular challenge for those living in rural and remote areas. Many services for victims of GBV are run by non-governmental organizations, sometimes with government support, but often dependent on donor funding.[59]

88. It was found during the NAP GBV consultative process, the capacity of service providers varied across sectors and there was a general need for ongoing in-service training to ensure that those attending victims are skilled, gender-sensitive and follow professional guidelines and codes of ethics. The NAP also identified the need to increase the number of trained professionals available to attend to victims, particularly police officers, social workers, psychologists and health care workers.[60]

89. Required by the LAVD, Centres for the Reception of Victims are to be established in all 13 districts to receive, counsel the victim and register cases, before proceeding to the PNTL – VPU for further follow-up. However, the VPU is still currently handling all these initial victim reception processes.[61]

90. Shelters for women victims including temporary and transitional houses are currently available only in 6 districts, namely Bobonaro, (Shelter Maria Tapo), Lospalos (Shelter Luzeiro), Baucau (Uma Feto), Suai (Shelter Esperanca), Oecusse, Dili (Casa Vida), and Shelter Mahon run by the East Timorese Women's Communication Forum (FOKUPERS), a National Women's NGO working with female victims of violence, since the year 2000. MSS is planning to establish 4 shelters in 4 other districts.

91. The Ministry of Health (MH) plans to create more safe rooms (Fatin Hakmatek) for victims of GBV in national and regional hospitals, with appropriate human resources and equipment, particularly in Covalima, Bobonaro, Baucau, Oecusse and Dili. Safe rooms are to provide free care, temporary accommodation

[57] Ibid., p.20
[58] Ibid., p.21
[59] National Action Plan on Gender-based Violence, Office of the Secretary of State for the Promotion of Equality, Dili, 2012, p. 10
[60] Ibid.
[61] Interview with Filomena Babo, Chief of Training, SEPI, December, 2012

(less than 2 days/nights) and access to specialized services for victims of violence and child abuse/neglect. One safe room currently exists, located in the National Hospital in Dili and is run by the NGO PRADET. This safe room also provides forensic medical examinations.

92. The National Directorate of Community Reinsertion (NDCR) under the MSS has developed a social protection system for women and children at risk. This directorate has 2 departments; a) Department of Protection of Women and Vulnerable Families, which manages programs for recovery as well as reintegration of women victims of DV, sexual violence, human trafficking and human rights violations, back to their communities, and reunification of separated families of social conflicts, military-political conflict, and natural disasters; and b) Department of at Risk Child Protection, manages programs for the prevention of child abuse and reintegration of child victims of abuse with their families, schools and communities.[62]

93. MSS also conducts monthly coordination meetings with the Service Providers Referral Network, in line with its Terms of Reference approved May 19, 2010. The 'GBV Referral Partners Network' was established in 2001 and the Strategy and Advocacy Referral Network has been run by SEPI since 2009. The Network brings all major agencies together and coordinates advocacy and service provision by Government Institutions, UN Agencies and NGOs such as Pradet, Fokupers, and Shelter providers. MSS also runs capacity building programs for Child Protection Officers (CPO) and Social Workers to enable them to improve provision of support services for victims.[63] MSS plans to create dedicated GBV Protection Officers in the near future.

94. According to Article 16 of the LAVD, MSS has developed Standard Operating Procedures (SOPs) to strengthen victim support services and the service providers' referral network at the national and district levels, led by the NDCR of MSS. The SOPs explains how to access security, medical, psychological and legal services. MSS also provides financial support to NGOs, such as Fokupers, Alola Foundation, International Centre for Transitional Justice, PRADET, and Holy Spirit Sisters in Suai.[64]

*The PNTL-VPU Workforce*

95. The mandate of the Vulnerable Persons Unit (VPU) of the National Police of Timor-Leste (PNTL) is to investigate cases of GBV and DV, rape, child abuse, missing persons, human trafficking and other crimes against persons that are less able to defend themselves. The VPU consists of a national coordinating unit with one commander and two officers, and district units in each district with generally between 7 and 8 officers (99 district officers in 13 districts in 2012). UNPOL officers assisted the VPU during the UNMIT presence in Timor-Leste.[65]

96. A challenge faced by VPU raised during the consultative process of the present report was the human resources policy of the PNTL, regularly rotating officers

[62] Response from MSS to CEDAW questionnaire, November 2012
[63] MSS Response to CEDAW questionnaire, November 2012
[64] Ibid.
[65] The Vulnerable Person Unit (VPU): An Independent Assessment of Its Role and Function, UNICEF, March 2008, p. 3

within the VPU, which presents challenges on the retention of training and skills on attending to GBV victims and GBV investigations.

*Access to justice and prosecution*

97. The Public Defender's Office (OPD) has been providing free legal aid to poor citizens since 2008. The OPD has been present in the districts since 2009 and is mandated to conduct interventions such as relevant legal awareness campaigns to increase citizens' awareness of formal justice and consequently their access to justice.[66]

98. Goal 2 of the NAP - "Delivering Justice" - focuses on ensuring all forms of GBV are investigated, prosecuted and punished. This section of the NAP aims to remove barriers to prosecution of GBV cases, and improve public confidence in the justice sector.[67]

99. The MJ with support of the Justice System Programme of UNDP, has a mobile court project. The mobile courts operate out of the four district courts (Dili, Baucau, Suai and Oecusse) in order to cover Timor-Leste's 13 districts. The ability to bring suspects, witnesses and victims from different regions to the court is hampered by very poor condition of roads[68] and the mobile courts help to bring justice to the poorest and most remote areas.

100. To increase citizens' legal literacy and knowledge of their rights the OPD designed in 2012 a communication strategy to increase awareness of rights to access a Public Defender including outreach, publications, use of media and a website. It is currently awaiting approval.[69]

101. As part of the implementation of the Justice Strategic Plan 2011-2030, the MJ, supported by UNDP and various civil society organizations, is also undertaking a national outreach campaign at the national and district levels on various topics (right to free legal assistance, DV, etc...), including the use of socialization sessions and radio programmes.[70]

102. Legal outreach and training sessions are also being conducted in schools throughout the country in 2013 by the VPU in collaboration with various key NGOs with the aim to raise awareness on the basic justice institutions and provide information on key legislation, especially the LADV.[71]

103. Despite significant efforts, the developing justice sector still faces challenges, especially in terms of human resources. In 2010, the Public Prosecution Service had 13 appointed Timorese prosecutors (plus a number of international) and

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[66] 'Strengthening the justice system in Timor-Leste' - 2012 Annual report – UNDP Timor-Leste, Jan. 2013, Dili

[67] National Action Plan on Gender-based Violence, Office of the Secretary of State for the Promotion of Equality, Dili, 2012 p. 18

[68] 'Strengthening the Justice System in Timor-Leste', Justice System Programme – UNDP Timor-Leste, Dili, 2011

[69] 'Strengthening the justice system in Timor-Leste' - 2012 Annual report – UNDP Timor-Leste, Jan. 2013, Dili

[70] Ibid.

[71] "UNDP Justice System Programme Supports Legal Outreach Session – Covalima", web - http://www.tl.undp.org/content/timor_leste/en/home/presscenter/articles/2013/05/03/undp-justice-system-programme-supports-legal-outreach-sessions-in-covalima/, 03 May 2013

4 probationary prosecutors. However, challenges remain in the number of cases under investigation, requiring greater coordination between prosecutors and the police. For example, in 2012, there were 4,723 cases carried over from the previous years.[72] Moreover there is also a need for a functioning case tracking system in order to manage the large inventory of cases.

104. In all of the district courts of Timor-Leste, only a small percentage of cases involving domestic and sexual violence are resolved through a full legal process due to a number of reasons, including limited understanding of legal procedures from the victim or lengthy delays in the court process. However, the LADV brought significant improvements in conviction rates, as previously many had been charged under Art. 145 of the Penal Code relating to 'simple offences against physical integrity' (a semi-public crime with a maximum of 3 years prison sentence), rather than the Article 154 relating to 'mistreatment of a spouse' (a public crime with a maximum of 6 years prison sentence). As such, many cases had been solved through settlement at the request of the victim, which is no longer possible as the LADV has made DV a public crime.[73]

*General attitude toward Gender-based Violence and trends in reporting of cases to the police*

105. The number of victims seeking help from the police is nearly the same in 2012 as it was in 2005 (492 cases from January to October 2005 compared to 503 cases during the same period in 2012).[74]

106. During socializations of the LADV, 2 opposite reactions were found toward this new law. Some – men as women – were pleased to know more about the law and how to use it. However, a large proportion, especially male leaders that expressed their opposition to the law and their trust in the traditional system, saying that the government should not interfere.[75]

107. It was identified through an evaluation conducted in 3 districts (Covalima, Oecusse, Manufahi) in April 2012 that the level of awareness among community leaders on DV and the LADV still needs to be enhanced. Based on this result, SEPI conducted further trainings in May 2012, leading community leaders to share their knowledge through organization of community meetings.[76]

108. The 2009-10 DHS results show there is still a long way to eliminate GBV. It reveals that women who are employed for cash are more likely to have experienced physical violence (43%) than women who are not employed (40%), or who are employed, but not for cash (34%). This suggests that working women, who have an independent source of cash income, may pose a challenge to the established norm of being dependent on their male partners for their livelihood. Therefore, further economic empowerment may subject women to greater violence if the behaviour and attitude of men do not change. Furthermore, formerly married women (divorced/separated/widow) are more likely to have experienced physical violence

[72] 2011 Annual information from the Prosecutor General, 2012, Dili, Timor-Leste

[73] Draft Gender Justice Policy 'A national policy to reduce violence against women and children', MoJ, Dili, 2010

[74] PNTL-VPU statistics, Dili, 2013

[75] Response from SEPI Training department to CEDAW questionnaire, September 2012.

[76] SEPI's 5 years report 2007-2012, p.101

(8%), than currently married women (1%), perhaps indicating the vulnerable position of women who have lost their spouse and become dependent on others for their basic needs.[77]

109. Less than one quarter (24%) women who have experienced violence seek help. Those who experience both physical and sexual violence are most likely to do so, with 50% of women in that situation seeking help. Also, unemployed women are less likely to seek help than those who are employed for cash (24% and 36%, respectively).[78] When women do seek help, it is most often from their own family members (82%) and from in-laws (27%). About 14% of women sought help from friends/neighbors. Only 4% of women sought help from the police, while 1% of women sought help from social service organizations.[79]

110. Around one quarter of women (27%) mentioned they have family members who can provide shelter for them for a few nights if they needed it. Younger women (age 15-24), women employed for cash, never-married women, rural residents, are less likely to receive shelter from their families for a few days. One in five women (20%) has family members who can support the women financially if they needed it. But four in five (80%) do not have such support.[80]

111. One worrying indicator is the attitude toward wife beating since 86% of women agree that a husband is justified in hitting or beating his wife for at least specific reason such as burn the food, argue with him, go out without telling him, neglect the children, refuse to have sexual intercourse with him. Interesting to note that a smaller percentage of men (80%) believe that the husband is justified in hitting or beating his wife for at least one on the above mentioned reasons.[81]

*Research on root causes of Domestic Violence*

112. The tradition of gift-exchange (*barlake*) in marriage seals the links between the couples' families in order to show the respect of the man's family to the bride's family and value the bride.[82] It has been hypothesised in a number of reports as a factor which may encourage men to treat women as a possession (Rede Feto 2009; JSMP Policy Paper 2006; IRC Survey on the prevalence of GBV 2003; and others). However, no evidence has yet been gathered to support this view. A Timorese women's forum NGO concluded in a study examining the links between *barlake* and DV that while *barlake* is not a significant trigger for DV, it does increase the risk of such violence.[83] Nonetheless it must be noted that no official research on the root causes of DV has been endorsed by the government.

*Traditional justice*

113. In theory, under the new Penal Code and the LAVD, cases cannot be resolved any longer through mediation or the traditional system. However, women remain

[77] Timor-Leste DHS 2009 – 10, p.229, Domestic Violence.

[78] Ibid., p.245

[79] Ibid.

[80] Ibid., p.246

[81] Ibid., p. 213-215

[82] Refer to Art. 5 'Sex Role Stereotyping and Prejudice' of the present report

[83] Married-in and Married-out Cultures in TL, Nasrin Khan and Selma Hyati, Fokupers Dili, Apr 2012, pg 35 ; Helpdesk Research Report on VAWG in TL, Huma Haider, AusAID, TL, 05.09.2012, pg 3; 58 ; DHS 2009-10, pg 10

reluctant to report cases to the police and proceed through the formal justice system for a number of reasons such as fear of economic insecurity and social shame.

114. In order to overcome this issue, the Justice Sector Strategic Plan, adopted in 2010, established as one of its goals, the regulation and monitoring of customary law and community justice mechanisms. It recommends the regulation of the interaction between the formal and informal justice systems, with the aim that SGBV cases be dealt with by the formal penal system.[84]

115. Two draft laws are being developed in this regard: a Law on traditional justice is now at the stage of public consultations and final revision; and a Law on the Regulation of Mediation is at the drafting stage.[85]

**Implementation of SCR 1325**

116. The government through SEPI and the Secretary of State for Security have been working on implementation of Security Council Resolutions 1325 (SCR 1325) with the support of UN Women through the global programme: 'From Communities to Global Security Institutions: Engaging Women in Building Peace and Security' since 2012. Project activities included raising awareness on the importance of women's participation in peace-building and conflict prevention.

117. For the implementation of this programme, SEPI specifically uses 2 strategies:

i. Advocacy – awareness raising activities to influence security sector policy makers and elected representatives to consider and incorporate gender into key policies, plans and budgets;

ii. Capacity building – training and workshops for local authorities, district GWG members, and PNTL officers.[86]

118. Prior to the LoA, SEPI led a 1325 Working Group from 2010-2011 which commenced conducting awareness-raising as well as capacity building of the security forces, to enable implementation of the resolution. During the same period, a Cross-Learning Initiative was undertaken through a series of trilateral meetings involving three countries: Liberia, Northern Ireland and Timor-Leste to share experiences on the implementation of the Resolution especially on prevention, protection, and prosecution of SGBV, transitional justice and post-conflict recovery.

*Internally Displaced Persons (IDPs) and Women Returnees*

119. The government adopted in December 2007 the National Recovery Strategy (NRS) "Together Building the Future" (*Hamutuk Hari'i Futuru*), aimed to address displacement led by the MSS. Objectives were to increase trust between the people and the government and strengthen communities; and assist IDPs return home when safe and to provide new homes where needed; and provision of a "recovery

[84] 'Justice Sector Strategic Plan for Timor-Leste', approved by the Council of Coordination for Justice, Dili, 12 February 2010, p.71

[85] Ministry of Justice's inputs subsequent to Consultative workshop for the present report, Nelinho Vital – National Director for Legal Advice and Legislation, April 2013

[86] Letter of Agreement between UN Women and SEPI on the implementation of the *"from communities to global security institutions: engaging women in building peace and security"* programme, Dili, March 2012

package". This package was substantial within the Timorese context: from $500 up to $4,500 USD according to the damages was provided to households.[87]

120. The issue of who should receive the cash grant within the household was raised. Various options were discussed but it was felt that anything else other than payment to the head of household would cause considerable resistance in the camps and risked putting women in an even more precarious position. This matter was of special concern in light of the limited capacity and willingness of security actors to protect women in such situations. In the case of married couples, however, MSS made sure that both spouses were informed of the allocation of the cash grant and required dual signatures.[88]

121. Three and a half years after the crisis and the displacement of up to 150,000 people, all 65 IDP camps were closed early 2010 and their inhabitants re-settled.[89]

122. With respect to female returnees, the government through MSS in close coordination with SEPI made efforts to cover and address women and girls' special needs. A 'Conflict Prevention Unit' was established under MSS that between 2008 and 2010, monitoring women IDPs, delivered information on the situation in IDP camps and how to address community re-integration. IOM's Gender Team at that time assisted MSS with a public information campaign outlining women's rights in return and resettlement. MSS through the referral system also provided assistance to victims of GBV including "Hygiene Kits" in IDP camps.

123. The Alola Foundation in coordination with the MSS was very active in regard to IDPs and conducted trainings and dialogues on GBV, and activities for families on recovery from trauma and managing fear.[90]

124. In line with UNSCR 1325, Art 1, on the representation of women in decision-making for the prevention, management and resolution of conflict[91], it is important to acknowledge the Minister of Social Solidarity was female, Mrs. Maria Domingas Alves.

## Article 4: Special measures to accelerate progress towards equality

125. As in the case of the Initial Report, few temporary special measures (TSM) include specific provisions for the ending of the measure 'when the objectives of equality of opportunity and treatment have been achieved', including those detailed in the present report such as the increased quota for female parliamentary candidates (detailed in the 'Women in Politics' section). Other examples of TSM are detailed throughout the report

[87] 'Ending the 2006 Internal Displacement Crisis in Timor-Leste: Between Humanitarian Aid and Transitional Justice', Peter Van der Auweraert, International Organization for Migration (IOM), 2012

[88] Ibid.

[89] Ibid.

[90] Humanitarian update – Timor-Leste, OCHA/UNMIT, Dili, 2008

[91] UN Security Council Resolution 1325 (2000), pg 2, 31 Oct 2000.

## Article 5: Sex Role Stereotyping and Prejudice

126. As described in the Initial Report, a number of social and cultural patterns in Timor-Leste can be considered harmful or negative traditional and cultural practices since they can lead to acts of discrimination and violence against women, such as bride price (*Barlake*), early marriage or polygamy. Many of these acts are embedded in the patriarchal value system whether in patrilineal or matrilineal societies due to the de facto power dynamics.

127. These practices are often justified by the right to observe the ancestral culture and traditions. However, the recent National Policy on Culture affirms that "Because culture and traditions are dynamic processes that evolve over time, better understanding and integration of these elements in the modernization of the country will help develop the cultural identity of Timor-Leste." It also acknowledges that "because culture is dynamic, opening to other cultural influences will enrich experiences and practices."[92] This Policy supports the CEDAW Concluding Observation on the modification or elimination of negative cultural practices, norms, customs, traditions and stereotypes that discriminate against women. As mentioned earlier, a Customary Law is currently being finalized, and earlier phases of consultations raised issues such as dowry, and the use of traditional justice to resolve cases of DV.

### Women and decision-making within household

128. The 2009-10 DHS evaluated four types of basic household decisions: women's own health care, making large household purchases, making household purchases for daily needs, and visits to her family or relatives. Results show that women are involved in all four areas, although the extent of their involvement varies. Almost two third (63%) of currently married women reported that they alone made the final decision about daily household purchases, which represents a significant increase from the 2003 DHS of 44%. Regarding decision-making in the other issues, women are more likely to decide jointly with their husbands.[93]

129. The DHS asked currently married men (15 to 49 years old) who they believed should have greater say in five specific decisions, namely 'making major household purchases', 'making daily household purchases', 'deciding when to visit the wife's family or relatives', 'deciding what to do with the money the wife earns', and 'deciding how many children to have'. Most men believe the husband and wife should decide jointly on almost all of these issues, with 88% supporting joint decisions on major household purchases, 84% for visiting the wife's family, 77% on what to do with the money the wife earns, and 94% on how many children to have. In the case of daily household purchases, less than half of men (42%) expect to be involved in the decision-making. The results suggest that Timorese men think that women's participation in household decision-making is essential.[94]

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[92] Government Resolution No. 24/2009 of 18th of November that approves the National Policy on Culture, Dili, 2009

[93] Ibid., p.209

[94] Ibid., p.210

*Changes in perception, not necessarily in practice*

130. However, DHS also reports that controlling behaviors are an issue in Timor-Leste. About one in three (31%) ever-married women, reported that their husbands insist on knowing where they are at all times. A similar proportion (31%) said that their husbands get jealous or angry if they talk to other men; and 15% said that their husbands frequently accuse them of being unfaithful. Nearly one in 10 women (9%) reported that their husbands do not allow them to meet with their female friends, and 8% said that their husbands do not trust them with money. Relatively uncommon is a husband's attempt to limit his wife's contact with her family (reported by only 4% of ever-married women).[95]

131. Corroborating evidence from the DHS that women in urban areas more often face DV is the finding that controlling behavior is higher among urban women (25%) than rural women (10%). Men in Dili (30%), Ermera (22%), and Lautem (16%) are more likely to exercise controlling behavior over their wives than in other districts. The husband's educational attainment does not appear to be a major factor as the difference between levels is not significant. Surprisingly, women in the highest wealth quintile report higher proportions of controlling behaviors exhibited by their husbands.[96]

132. As commented in the number of research papers on DV in Timor-Leste, the use of physical force by a man in an intimate relationship is not necessarily viewed as an offense, and may, in certain contexts, be considered normal.[97] Many women still do not consider slaps, punches and kicks to be DV. This reflects a remaining large acceptance of the society around domestic violence which is still often described as simply as 'a plate and a spoon making noise hitting each other' *(bikan ho kanuru baku malu)* as a way to express that DV is a private matter where the State should not interfere.[98]

133. Marriage (especially in its traditional conception) is considered a very strong and respected institution and represents one of the foundations of social organization, particularly in rural areas. Consequently, the role of customary law in family relations and the perceptions of rights and power as described in the Initial Report still hold true despite the significant efforts to promote gender equality and combat GBV by a variety of stakeholders.

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[95] Ibid., p.236

[96] Ibid.

[97] Married-in and Married-out Cultures in TL, Nasrin Khan and Selma Hyati, Fokupers Dili, Apr 2012, pg 35 ; Helpdesk Research Report on VAWG in TL, Huma Haider, AusAID, TL, 05.09.2012, pg 3 ; DHS 2009-10, pg 247.

[98] "...One local authority, whose name I cannot mention, gave an immediate negative perception about DV. He said that, "he had the right not to report cases of DV even though the Law against Domestic Violence said to." There was also a Secondary School Director, who gave his opinion that, "DV is not an important issue for the government or anyone else to intervene. It is an internal issue, as a *plate and spoon make noise*.", Sra. Idelta Rodrigues - Secretary of State for the Promotion of Equality, Opening Ceremony of the PhotoVoice Exposition 'Voices from the Community', Dili, 25 January 2013

**Government initiatives on the modification of stereotypes**

*Education sector*

134. The Ministry of Education conducted a gender assessment in 2009 in order to find out the main issues in regard to women's educational opportunities. It was presented to the senior management, policy planners and decision-makers to help them design gender-sensitive policies and programs and influenced the Ministry's Strategic Plan for 2010-2015. This assessment identified a number of recommendations, including gender-awareness raising to encourage parents to send their girls to school, set up of dialogue teams to help parents to understand the importance of keeping girls in school, and the need to include gender in the curriculum at the secondary level to prevent GBV and to decrease stereotyping. [99]

*Media relations and monitoring*

135. The government through SEPI and the Timor-Leste Media Development Centre (TLMDC) worked with the media in enhancing positive and non-stereotypical portrayal of women, by organizing regular meetings with journalists to discuss gender, culture and media issues, from 2009 - 2012. These meetings aimed to increase gender awareness among journalists and encourage publication of articles on women and gender issues, and increase the gender sensitivity of publications. [100]

136. SEPI in partnership with TLMDC, the Timor-Leste Journalists Association (AJTL) and UNIFEM has also created a mechanism to monitor media coverage and journalists' attitude toward gender and violence against women issues. To encourage gender sensitivity in media programming and publications, SEPI has given awards since 2010 to those who have improved their knowledge and awareness of gender issues and contributed to community awareness raising. It is expected that the award winners become motivators and role models for others.[101]

137. SEPI has produced newsletters every three months since 2010; along with posters, brochures and leaflets to promote gender issues and promote positive and non-stereotypical portrayal of women, covering various topics such as "Fight Against Discrimination", "Prevention and Responses to GBV", and "The Role of SEPI". These have been widely distributed to communities and civil society organizations.

*Critical thinking training*

138. As an example of the determination of the government to change stereotypes and build the capacity of its female civil servants, the Ministry of Finance (MF) set up a compulsory 2 days 'critical thinking' training, for both men and women but targeting its female staff members, with the objective to prepare women to become leaders and to create a better equilibrium of opportunities.[102]

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[99] 'Are Girls and Boys Equally Represented in Education? - A Gender Assessment', ME, Dili, 2009

[100] SEPI's Annual Report 2009, p. 26.

[101] Interview with Nug Kacasungkana, Media Adviser for SEPI. Also, see SEPI's Annual Report 2009, p. 26.

[102] Convocation to the 'Critical Thinking' training, Ministry of Finance, Dili, Jan. 2013

## Article 6: Trafficking and Prostitution

139. Timor-Leste is a destination country for trafficking victims from countries in the region mainly to be exploited as commercial sex workers, as domestic workers or as workers on fishing boats. Evidence shows that Timorese are also vulnerable to trafficking within the country, generally in terms of trafficking of women and children from rural areas to cities for sexual exploitation. Timor-Leste may also become a source country for international human trafficking due to poverty and a lack of awareness on the issue.[103]

140. However, most inferences on human trafficking in Timor-Leste are deducted from the Alola Foundation's research in 2004, already mentioned in the Initial Report. Regrettably, no further broad research were conducted neither by the Government nor by Civil Society on this issue despite an International Conference on Human Trafficking held in 2012 aiming to promote understanding on international and national mechanisms and legal frameworks to counter human trafficking, especially trafficking in women.

### Legal framework

141. Further to the Immigration and Asylum Act of 2003, the legal framework on Human Trafficking was elaborated with the enactment of the Penal Code in April 2009. The crime of human trafficking is covered under Art. 163 'crimes against individual freedom'.[104] Aggravating circumstances are specified in Art. 164 and further specific provisions under Article 165 - Trafficking of Human Organs and Article 166 - Human Sale. (please refer to annex)

142. The Witness Protection Law, Law N°2/2009 was passed May 2009. It establishes a mechanism for the adequate protection of persons for the effective execution of justice.[105] However, due to a lack of coordination and resources to implement the law, it is still inoperative at the time of writing, despite trainings sessions organized by the General Prosecutor to the criminal investigators of the police.[106]

143. In order to overcome this issue, the MJ decided in March 2013 to establish a Commission for Security Issues in the Justice Sector in accordance with the Article 22 of the Witness Protection Law.[107]

*Sexual exploitation*

144. In regards to prostitution, the new Penal Code establishes as a crime the sexual exploitation of a third in Art. 174, punishable up to a 10 years prison sentence (up to 12 years with aggravating circumstances).

145. According to Art. 175 on 'Prostitution of a Minor' (under 17 years old), penalties can rise up to 12 years in Art. 174; and up to 15 years for aggravating

[103] Human Trafficking in Timor-Leste, IOM Assisted Case Profiles, 2010

[104] Penal Code [Law N° 19/2009], 8th April 2009 – Article 163: Human Trafficking

[105] Law No. 2/2009 of 6 May - Witness Protection

[106] Cabinet of the General Prosecutor, "Annual Information" - Dili, January 2012

[107] Ministry of Justice's inputs subsequent to Consultative workshop for the present report, Nelinho Vital – National Director for Legal Advice and Legislation, April 2013

circumstances. Child pornography is referred to in Art. 176 and punishable with a 3 to 10 years prison sentence.

*Ratification of International Conventions*

146. Timor-Leste officially ratified on November 5, 2009, the United Nations Convention Against Transnational Organized Crime (Palermo Protocol) and the Additional Protocol to this Convention, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[108] The provisions of the new Penal Code, Art. 163 on Human Trafficking are aligned with Article 3 (a) of the Palermo Protocol.

**Measures for strengthening the legal framework on Human Trafficking**

147. The government established under the lead of the Ministry of Foreign Affairs (MNEC) an Inter-Agency Trafficking Working Group that includes representatives of government agencies, civil society organizations and international organizations such as IOM, to work towards the elimination of trafficking.[109]

148. A sub-committee in charge of drafting a Law for the Prevention, Suppression and Punishment of Trafficking in Persons was nominated. The draft law was submitted by the Ministry to the Parliament in 2011. Unfortunately, due to a lack of coordination between the key ministries, a busy electoral agenda in 2012 and the establishment of the new government, the draft law has not yet been passed by the Parliament. The new government, through collaboration between the MNEC and MJ, is re-analyzing the draft law and aims to submit the final text to the Council of Ministers before the end of 2013.[110]

149. The provisions of the current draft law are not limited to criminal and procedural measures through the definition of criminal offenses and penalties, but also stipulate rights and guarantees for the victims, establishing a special fund for the compensation of trafficking victims.[111]

**National Action Plan on Human Trafficking**

150. Another Sub-Committee nominated in 2009 was responsible for creating a National Action Plan on Human Trafficking (NAP on Trafficking) for the implementation of existing legal measures as well as the new law on Human Trafficking. After consultations with government, civil society and communities, a first draft was completed and presented to the Working Group March 2010. Unfortunately, due to a lack of coordination between agencies and priority given to the drafting of the law, the Council of Ministers has not yet approved the NAP on Trafficking.

151. The plan's objectives are clear: (i) to protect Timorese from human trafficking; (ii) to provide protection and assistance to all victims of human trafficking; (iii) to strengthen investigation and prosecution processes for traffickers.

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[108] National Parliament Resolution N° 26/2009, 9th September 2009

[109] Interview of Jenice Fernandes from IOM, 15/11/12

[110] Ministry of Justice's inputs subsequent to Consultative workshop for the present report, Nelinho Vital – National Director for Legal Advice and Legislation, April 2013

[111] Draft of the Special Law for the Prevention, suppression and punishment of trafficking in persons in Timor-Leste, Ministry of Foreign Affairs, 2011

*Improvements in enforcing the law*

152. In terms of concrete actions carried out by the government on prevention and prosecution of human trafficking before the enactment of the Penal Code, the PNTL and UNPOL have conducted raids in bars suspected of sex trafficking in Dili. Despite the fact that none of these raids have resulted in the prosecution of traffickers, they led to support for the victims and a better understanding of the nature of trafficking by the authorities. The age of the screened women varied from 19-35 years old and came from various countries such as China, Indonesia and Cambodia.[112]

153. After the new Penal Code was in force, in 2011, an investigation by the PNTL resulted in the indictment of 3 alleged foreign perpetrators of human trafficking. One of the victims was a Chinese girl of 17 years old. Two of the traffickers were condemned to a prison sentence of 13 years and one trafficker received 6 months in a Timorese prison.[113] The case is now before the Court of Appeal.[114]

*Assistance to victims*

154. Between 2008 and 2011, 33 victims of trafficking were assisted by IOM in collaboration with the government's Migration Service Department, the GBV Referral Network and other law enforcement agencies.[115] The average age of the victims was 25 years (both males and females) ranging from 17 to 39 years. People trafficked to Timor-Leste have included victims from Myanmar, Cambodia, Indonesia, China and the Philippines. [116] The consultative process of the present report, found that 50 international victims of trafficking were identified during the same period of time (including those assisted by IOM).[117]

155. 3 Timorese victims were also assisted during the reporting period. Domestic trafficking is also an issue, but in smaller proportion and appears to be much more opportunistic compared to the more organized international trafficking.[118]

156. MSS in collaboration with IOM offered support to PRADET to provide assistance and accompaniment to victims of human trafficking through the establishment of a shelter for trafficked women and girls. The assistance also includes mental and physical health care, return/repatriation, and integration/reintegration services.[119]

*Awareness-raising on Trafficking*

157. In 2010 an IOM training campaign on counter-trafficking for front line law enforcement called 'Halt Exploitation, Learn to Prosecute' (HELP III), was designed to raise awareness of human trafficking, increase institutional capacity and coordination among police, lawyers, judiciary, NGO and Dili-based embassy staff

[112] IOM, report on trafficking raids by UNPOL an PNTL in 2009
[113] Interview of Sra. Ivonia Guterres, Prosecutor, 19/11/2012
[114] Cabinet of the General Prosecutor, "Annual Information" - Dili, January 2012
[115] Interview of Jenice Fernandes from IOM, 15/11/12
[116] Human Trafficking in Timor-Leste, IOM Assisted Case Profiles, 2010
[117] Consultative workshop - inputs by the Alola Foundation, Dili, March 2013
[118] Ibid.
[119] MSS response to CEDAW Questionnaire, 2012

and Timorese consular officers. In 2010, 13 trainings were conducted for a total of 377 officers from every district and sub-district.[120]

## Article 7: Political and Public Life

158. SEPI has been actively working to increase the role of women in the development of the nation and in the decision-making.[121] The government together with civil society, Parliament and the UN, have run a wide range of initiatives such as a drafting a Political Platform for Women, conducting public forums, capacity building, gender awareness campaigns, forging strategic networks and inter-institutional coordination, promoting affirmative action and others, to strengthen women's participation in decision-making and political life.[122]

### Women and political participation at the national level

159. The 2nd amendment of the Parliamentary Election Law N° 6/2006 adopted June 2011 establishes electoral lists of standing and alternate candidates which must include at least 1 woman for every group of 3 candidates and shall otherwise be null and void,[123] an improvement to the previous version of 1 woman per group of 4 candidates.

160. The Parliamentary Election in July 2012 saw 25 women were elected out of 65 seats, raising the proportion of women parliamentarians to 38%, the highest in the Asian region and achieved the MDG indicator of 35% women in parliament. The fact that even more women than expected were elected in the Parliament demonstrates that the law is not discriminatory to women and doesn't limit women's election at Parliament to the quota reserved for them.

161. All women parliament members form an independent caucus regardless of their political affiliation, called the Group of Women Parliamentarians in Timor-Leste (GMPTL). The main objective of this caucus is to promote the representation and participation of women in national political life and to promote gender equality while combating discrimination and inequality.[124] Collaboration between GMPTL and SEPI led to the adoption of a range of key legislative measures including the adoption of the LADV, the amendment of the Parliamentary Election Law, a Parliamentary Resolution on GRB, the new Penal Code and Civil Code both including provisions considering women's needs and protecting women, as well as the steering the Regional and National Conferences on Family Planning, Sexual Education and Reproductive Health.

162. UN Women acknowledged that "the 2012 parliamentary election was concluded as a successful exercise of democracy in Timor-Leste. It was in general a calm, orderly and peaceful election following the 2007 national election that was

[120] IOM trafficking training update, 2010

[121] "Goodbye Conflict, Welcome Development "AMP Government Snapshot (2007-2012) - IV Constitutional Government - Dili, 2012

[122] "Enhancing women's leadership and participation in the 2012 elections and beyond in Timor-Leste" – National Parliament/UNMIT/SEPI – Timor-Leste, Dili, April 2012

[123] Law N° 7/2011 of 22 of June, 2nd amendment to law N°6/2006 of 28 December on Electoral Law to the National Parliament, Jornal Ja Republica, Dili, June 2012

[124] Estatuto do Grupo das Mulheres Parlamentares de Timor-Leste, Amendment from the March 12th, 2008 – Dili, 2008

not easy after the security and political crisis in April and May 2006. All throughout the electoral phases, covering pre, during and post-election for the National Parliament of Timor-Leste, majority of the activities turned out to have about equal participation between women and men, particularly among the voting population in the country."[125]

163. The 23 political parties involved in the 2012 election signed the Political Platform of Women in Politics 2012-2017, committing to address, 7 priority points: Education; Economy; Health; Politics; Justice, Peace and Security; Culture and Media.[126] This Platform was the culmination of a series of national dialogues led by SEPI.

164. A series of 4 TV debates were conducted prior to the parliamentary elections, inviting leading women from every political party to discuss women's issues and the responses by the parties to these issues, raising new ideas and strategies to carry-out the Political Platform, enhance women's leadership, empowerment and participation during the 2012 national elections.

165. The Political Platform was supported by a Road Map and a Strategic Framework for Enhancing Women Leadership and Participation in the 2012 Elections and beyond, elaborated through consultative Workshops and a National Conference late 2011. It contributed to the mobilization of women and collective action among stakeholders to support women's participation in the electoral and political process, including democratization of power relations within political parties.[127]

166. Regarding the executive side, in the new national government, a number of key positions are occupied by women including the Minister and Vice-Minister of Finance, the Minister of Social Solidarity, two Vice-Ministers in the Ministry of Health, a Vice-Minister of the Ministry of Education, and several Secretaries of State such as the Secretary of State for the Promotion of Equality. In total, 10 women hold a position in the new governmental structure, representing 18% of all positions (compared to 13% under the last Government). Other independent institutions of the state such as the Audit Tribunal and the General Prosecutor are headed by women.

**Participation of women at the local level**

167. Women's participation in politics and public life at local level is still very low despite a slight improvement since 2004. The proportion of female Village Chiefs is extremely low, at only 2% (10 of the 422 *sucos* have women as chief).[128] On the Council itself, women's representation is guaranteed by the Law on *Suco* Elections,[129] with a quota of two women, and one female youth on each Council

[125] "Parliamentary Election 2012 in Timor-Leste: An Analysis from a Gender Equality Perspective", Integrated Programme for Women in Politics and Decision-Making (IPWPDM), UN Women, Dili, October 2012

[126] Political Platform by Women's Organisations from Political Parties for the Parliamentary Election 2012 -2017, Dili

[127] Report of the "Enhancing Women's Leadership and Participation in the 2012 Elections and beyond in Timor-Leste" project, April 2012, Dili

[128] CNE/SEPI calculation 2010

[129] Law on Suco Elections 2/2004 revised by the law N° 3/2009 on Community leaders and their Election, June 2009

(Article 5). Total Council members vary from 9 to 10 depending on the number of hamlets, called *Aldeias*. This has led to the achievement of 28% women in the Village Councils.[130] There has been a positive trend in the past two Village Elections. The overall number of female community authorities elected at the level of Village Chief, Hamlet Chief, and Elder has risen from 31 in the 2004/05 elections to 53 in 2009 elections.

168. It was identified during the consultative process of the present report that women face a lack of support and preparation by the authorities, particularly for local level elections, if they are not part of a political party. In essence, they are not able to compete independently.

169. SEPI has been working in close collaboration with civil society, in particular with the international NGO '*Paz y Desarollo*' (PyD) - Peace and Development - and the national Women's Network '*Rede Feto*', in order to support the participation of women in political and public life and enhance women's social and economic rights at the *suco* level.[131] Leadership training and capacity building programmes have been conducted since May 2011 at the community level in 4 eastern districts involving 149 men (*suco* council members) and 41 females. Main topics include modules on Equity and Equality; Gender Sensitive Leadership; Law N° 3/2009 on Community Leaders and their Election, and 2 modules of practical training.[132]

*Participation of women in Decentralization*

170. As part of Timor-Leste's strategy of decentralization for the acceleration of sustainable economic growth and equitable development from national level to *suco* level, the government through the Ministry for State Administration (MAE) prepared the Decree-Law on 'Integrated District Development Planning' which defines the power, planning, implementation and financing for executing decentralization and projects of the State at the District and Sub-District level. The Decree-Law has provisioned that out of 3 representatives from the *Suco* Council for Sub-district Development Commissions, at least one female representative must be included.[133]

171. Civil society is also involved in this decentralization programme to reinforce the active participation of women. Since 2010, the Alola Foundation with the support of UN Women has a 'District Support Program' (DSP), which focuses on community-based women's empowerment and targets potential female candidates at the *suco* level. They take part in the Transformation Gender Discussion project, and work closely with local leaders, women's NGOs, Members of Parliament, and other government institutions.

**Obstacles to Women's Participation in Politics**

172. In Timor-Leste, common and persistent barriers for women to enter leadership roles are: lower education and literacy compared to men; discrimination in

[130] UNIFEM 2009 Community Elections – Women Participation Booklet

[131] Memorandum of Understanding between the Secretary of State for the Promotion of Equality (SEPI) and 'Paz y Desarollo', Dili, Feb 2011

[132] Interview of Giulia Sensini, Head of 'Paz y Desarollo' in Timor-Leste, Dec 2012

[133] Decree-Law N° 4/2012 on 'Integrated District Development Planning', Jan 2012, Dili, Timor-Leste

recruitment (refer to Employment section); negative stereotypes and attitudes towards women's participation in public life; attitudes to women's traditional role in the home; little support from families and political parties, especially little support for women to engage in politics as independent candidates without political party support; low solidarity between women; low civic awareness, and low confidence to put themselves forward as candidates.[134]

## Article 8: Representation and Participation at International Level

173. Ms. Milena Pires was elected as one of 23 experts to serve on the CEDAW Committee in 2010. The whole government including the President of Timor-Leste at the time, Dr. José Ramos Horta rejoiced at the election of Timor-Leste's first representative to an international treaty body.[135] The united collaboration of key line ministries together with civil society for this election at the national and international level was also strong evidence of the commitment to the advancement of women.

174. Ms. Emilia Pires was elected in 2010 to Chair the G7+, championing the voice of conflict-affected and post conflict states. She was further appointed July 2012 by the Secretary-General of UN, Ban Ki-moon, to the 26-member High-level Panel of Eminent Persons advising the UN on the Post 2015 Global Development Agenda.[136]

175. Ms Madalena Hanjam da Costa Soares, former Vice-Minister of Health in the IV Constitutional Government, was nominated as Member of the Executive Board of WHO in 2010-2012.[137]

*Representation of Timor-Leste by women in Missions abroad*

176. H.E. Mrs. Sofia Mesquita Borges was appointed Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Timor-Leste to the UN on March 4, 2010 and was nominated as Member of the UN Women Executive Board.

177. Moreover, some of the politically and economically most important Missions to Timor-Leste are headed by women, namely the Embassy to Portugal, China and Mozambique (covering Angola and South Africa) as well as the Consulate in Bali (Indonesia) and Sydney (Australia). Thus, women as head of mission abroad (ambassador and consul level) represent 35%, while women holding a position abroad in the overall Foreign Service staff represent 36.5%.[138]

[134] SEPI Director General's speech on 'Women's Leadership and Participation' at the 2nd Regional Congress, Siem Reap, Cambodia, 23-25 October 2012

[135] The Secretary of State for the Council of Ministers and Official Spokesperson for the Government of Timor-Leste, Agio Pereira, June 29, 2010 - Dili, Timor-Leste

[136] Ibid.

[137] MNEC's response to CEDAW Questionnaire (Milena Rangel), 2012

[138] Diplomatic list of the Ministry of Foreign Affairs, Dili, 2013

## Article 9: Nationality

178. There are no new alterations to this section. We refer to Timor-Leste's Common Core Document of the Initial Report, section J(A). 'Right to Nationality – Equality of Citizenship Rights'.

## Article 10: Education

### Policy and Legal Framework

179. During the last Constitutional Government, a National Curriculum for each of the 12 years of basic education and general secondary education were drafted and implemented.[139] According to the National Strategic Development Plan (SDP) 2011 – 2030, the Government placed education as one of the most important sectors of national development prioritized. In this regard, a National Education Strategic Plan (NESP) for 2011 – 2030 was also designed and approved by the IVth Constitutional Government, providing education opportunities for all.[140]

180. Out of the 13 priority sectors of education in the NESP 2011 – 2030, there is one specific section on "Social Inclusion" that guarantees equal opportunities to education and vocational training for all, females and males.[141]

### Participation of Women in Education

*Formal Education*

181. Timor-Leste aimed to have 88% of children of the right age enrolled in grades 1 through 6 by 2015. It exceeded this figure in 2011, with 90% of children of the right age enrolled in basic education[142] compared to the 83% in 2008. However, there are generally speaking, more boys than girls, as for every 10 boys enrolled in primary and secondary school, there are 9 girls (52% boys/48% girls).[143]

182. In terms of Senior high school (General Secondary) and Technical Education (*Teknika Professional*), about 20.603 (49.4%) are males and 21.107 (50.6%) are females were enrolled, which means that there is slightly more female than male at secondary school according to the Ministry of Education's (ME) data.[144] Actual attendance rates, available from the 2010 Census, are slightly different, with 48% of secondary school students being female and 52% male.[145] (Refer to Tables 2 and 3 in Annexes)

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[139] "Goodbye Conflict, Welcome Development" - National Development Strategic Plan 2007 – 2012, p. 8

[140] Interview with Sr. Augusto Barreto Lopes, National Directorate for Protocol - ME, Sr. Antonio Lopes - ME on the implementation of the NESP, 2010 – 2030, February 2013

[141] NESP 2010 – 2030 (Summary version), ME, Dili, 2011

[142] 2011 basic education enrollment summary for all schools (public/private/catholic), Department SIGE/EMIS, Ministry of Education, Dili, 2013

[143] National Strategic Development Plan (SDP) 2011 – 2030, p. 19 – 20 Interview with Sr. Augusto Barreto Lopes, National Directorate for Protocol and Antonio Lopes - ME, February 2013.

[144] Diresaun Nasional ba Planu Estatistiku no Teknolojia Informasaun, SIGE/EMIS, ME 2011 – 2012, February 2013

[145] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010

183. The 2010 Census revealed that attendance rates are close to parity between boys and girls during the years of compulsory basic education. That is, for every 100 boys attending primary school, there are 98.9 girls. The situation is similar for pre-secondary, with 102 girls attending for every 100 boys. It is not until secondary school that we see attendance patterns swing towards the advantage of boys, with 92 girls attending for every 100 boys[146].

184. Overall, there are still many children dropping out of school. Over 70% of children leave school before reaching year 9, the highest rate of dropouts in the first 2 years of primary school. Also, children in general are taking too long to complete their basic education, taking 11.2 years on average to complete schooling to grade 6.[147]

185. Efforts are made by the government in terms of early education with the plan of establishing 150 new pre-schools, especially targeting children in rural areas in order to facilitate age 3 and above children to access early education, largely benefitting to young girls to overcome the obstacle of the distance to the school and security issues of travelling.[148]

*Informal Education and eradication of illiteracy*

186. The eradication of illiteracy is considered by the government as an important step in the elimination of poverty in Timor-Leste. Thus, Recurrent Education Activities which incorporates the national literacy campaign programme, post-literacy courses and basic education and equivalency programmes have been conducted since 2008 in all 13 District of Timor-Leste. ME, supported by UNESCO, UNICEF and the World Bank, have built Community Learning Centers (CLC) in 3 districts, namely Bazartete (Liquiça), Ililapa (Lospalos), and Kraras (Viqueque).[149] (Refer to Annexes – Table 4)

187. The National Literacy Campaign Programme providing for basic literacy in adult education, initiated in 2007, aims to eradicate illiteracy in the country by 2015 following the Cuban education model "*Sim Eu Posso*" (Yes, I can) for 3 months, introducing reading and writing.[150]

188. The ME reported that 300,000 males and females participated in this literacy programme during 2011 – 2012. 204,463 were declared free from illiteracy in 2013. Although official statistics from the Directorate of Recurrent Education are still yet to be published, it is estimated that women represent over 65% of the total participants.[151]

189. It is planned for this 2nd phase of the literacy programme, the establishment of 62 new CLCs, covering all 65 sub-districts of Timor-Leste.[152] This 2nd phase begun early 2013, with the objective to strengthen the reading and writing skills of those

[146] Ibid.

[147] National Strategic Development Plan (SDP) 2011 – 2030, p. 19 – 20

[148] Interview with Sr. Augusto Barreto Lopes, National Directorate for Protocol - ME and Sr. Antonio Lopes, Adviser to ME, February 2013

[149] Ibid.

[150] Ibid.

[151] Interview with Sr. Filomeno Lourdes from the National Directorate for Recurrent Education - ME, February, 2013

[152] Ibid.

who are out of school age (from 14 years old to adults) through the program *"Passo em Frente" (Pass in Front)* which marks the transition from basic literacy and finally *"a Caminho"* (On the Way) with possibility to access national program *"Equivalencia" (Equivalence)* in basic education.[153]

*Girls Dropout and its causes*

190. The high number of dropouts and difficulties in improving students attendance may be attributed to several factors such as inadequate school facilities, including access to clean water and sanitation; lack of qualified teachers; early marriage and unplanned pregnancies; language barriers, as most text books are written in Portuguese; and violence, including sexual violence in schools.[154]

191. The ME supported by USAID and Care International is implementing a School Dropout Prevention Pilot Program (SDPP) - a 3-year multi-country programme, aimed at mitigating student drop-outs from primary and secondary school. The SDPP started early 2012, is now operating in almost 200 schools in 5 districts.[155]

*School Re-entry Mechanisms*

192. The National Directorate of the General Secondary Education of the ME indicated that girls' dropouts are mostly related to unplanned pregnancy, traditionally held beliefs regarding girls' education, failure in final exams, sickness, and in some rare occasions, sexual violence.[156]

193. There is not yet an official Re-entry Policy (related to teenage pregnancy) adopted by the government. However, temporary mechanisms have been implemented to facilitate students to re-enter education, such as the transfer of girls to other schools after their deliveries (on the request of the students, due to social and cultural issues), and providing special time and place for pregnant girls students to have their final exams (to avoid pressure from other students and feeling of insecurity.)[157]

194. The Draft Child's Code which is currently pending for approval by the Council of Ministers, and includes a provision related to reintegration of pregnant students into school, prohibiting of "any disciplinary action based on pregnancy" and calls upon the State to "ensure a system for attendance, continuation and completion of scholastic studies by pregnant students and mothers" (Article 31).[158]

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153 Ibid.

154 Data of the National Directorate for Statistical Plan and Technological Information, Department SIGE/EMIS, ME 2011 – 2012, February 2013

155 USAID, New Education Project Helps Keep Children in School, October 2012, retrieved in 21 of February, 2013 from http://timor-leste.usaid.gov/node/554

156 Consultative Workshop on CEDAW 2nd and 3rd Combined Periodic Report, 13 – 14 of March 2013

157 Interview with Sr. Paulo Henrique, *Diretor Nasional Ensino Secundaria Jeral* - ME, February 2013/ ME in the Consultative Workshop on CEDAW 2nd and 3rd Combined Periodic Report, 13 – 14 of March 2013

158 MSS in the Consultative Workshop on CEDAW 2nd and 3rd Combined Periodic Report, 13 – 14 of March 2013 / Timor-Leste Child's Code (Draft – version for public distribution), May 2011, Dili, Timor-Leste, Pg. 17

*Improvement of quality teachings in schools*

195. As identified in the National Human Development Program report 2011, 75% of Timor-Leste's 12,000 teachers were not qualified to teach in 2007 under the standards defined in the country's National Education Act. The lack of qualified teachers is contributing factors to the dropout numbers from school. As a response, in 2008, the Government provided intensive training for 3,000 teachers. In 2009, this programme was extended to cover the remaining 9,000 teachers. In 2011 – 2012, 617 teachers completed undergraduate programmes and 36 teachers are currently attending postgraduate programmes. These intensive training programmes are now mandatory for all teachers and are an ongoing initiative.[159]

196. The ME in cooperation with "*Missão Portuguêsa*" (Portuguese Mission) also established the "*Instituto Nacional de Formacao de Docentes e Professionais da Educacao*" (National Institute for the Training of Docents and Education Professionals - INFORDETE) in 2011 to facilitate training for teachers at all levels of education. In 2011, a total 375 of teachers graduated with "*Bacharel*" (Bachelors), and about 1206 academics graduated from higher education in 2012.[160]

*Collaboration of students and parents*

197. For many reasons including improving the general management of schools, reducing students' drop-out, and improving the educational environment, the ME is committed in its 2013 Annual Plan to fortify structures and create bylaws for the creation of Student and Parent Council Associations.

*Scholarship Programs for Girls*

198. The ME has been providing scholarships for Timorese men and women from 2009 to 2013, to pursue higher education abroad, including Undergraduate, Masters and PhDs. As the table attached in annex shows, the majority of these places have been granted to men (63%). (Refer to Annexes – Table 5)

**Violence and Security in Schools**

199. The ME initiated in 2011 a "Zero Tolerance" policy against administrative malpractice in the education sector covering sexual violence, corporal punishment, and other forms of violence in schools. Other line ministries have been supporting the "Zero Tolerance" policy advocacy campaign through various activities such as media publications, talk shows, trainings and workshops at the national and district level.[161] This policy explicitly prohibits corporal punishment in all settings and aims to provide safe educational environments free from discrimination and violence.

200. The Office of the General Inspector for Education (GIE) is leads this policy. The GIE report 2011–2012 registered a total of 9 cases of sexual violence in school for a total of 11 victims (9 girls in basic education, 2 girls in secondary and 1 female teacher in Basic Education). The majority of the cases occurred in district schools outside of Dili. It is reported that 28 (about 0.25%) out of the 11,136 teachers of public and private schools in Timor-Leste were identified as perpetrators of sexual

[159] TL NHDP, 2011, p. 22, based on EMIS Report 2009

[160] ME - INFORDEPE, cited from http://www.infordepe.gov.tl/. Also, interview with the National Directorate for Policy and Planning, February, 2012

[161] The General Inspection of ME, March 2013

violence in schools.[162] On the prosecution side, the ME is making efforts to ensure that those responsible of harassment or abuse of girls are brought to court and punished in accordance with the new criminal law. Since the enactment of the Penal Code and the LADV, students, parents and communities are encouraged to report criminal cases to the GIE or to police.[163]

201. There has been a significant decrease in the number of cases from 46 cases in 2011 to 9 cases in 2012.[164] Unlike previous years where the majority of sexual violence cases were solved through mediation and traditional mechanisms between the family of the victim and the perpetrator, out of the 9 cases of sexual violence in 2012, 4 cases of sexual violence were brought to court and 5 cases were resolved through traditional mechanisms.[165]

202. No cases of forced marriage between a victim and the rapist have been reported or identified by the GIE as mechanism to resolve sexual violence cases.[166]

• *Corporal Punishment*

203. The GIE investigation report shows a total of 18 cases of physical violence, including corporal punishment by teachers in the 2011–2012 period. 4 cases were reported to police, while 14 cases were solved internally. From 56 cases of physical violence in schools, 17 involved female students and 27 male students.[167] A number of cases of physical aggression against teachers in schools by their students or their family members also occurred. In these cases, it usually involved students who experienced physical punishment from their teachers. 7 teachers were reported as victims of physical aggression by students and communities in this period.[168]

204. Most corporal punishment cases in schools involved new teachers who never attended professional teaching skills training or do not have sufficient background in teaching. Most new teachers also do not have skills to deal with different student behaviors.[169]

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[162] Interview of Sr. Evaristo Maria de Jesus, the Office of the General Inspection for Education - ME, March 2013

[163] Ibid.

[164] 'Overview of the violence cases in Timor-Leste's schools 2012', Cabinet of the Inspector General of Education, ME, Dili, 2013

[165] Ibid.

[166] Interview with the Director for Policy and Planning, National Directorate of General Secondary School, National Directorate of the Inspector General and National Directorate of Recurrent, February 2012

[167] Ibid

[168] ME, General Inspection for Education, interview with Sr. Evaristo Maria de Jesus, February 2013

[169] Ibid.

## Article 11: Employment

### Legal Framework

*General principles*

205. The Labour Code recently passed February 2012, enshrines the 'principle of equality' in Art. 6 (refer to annex).[170] Discrimination at work and difference of treatment based on gender or other factors are also covered (paragraph 2). Noting that in line with ILO Convention N°111, the burden of proof is on the employer to demonstrate that there is no discrimination (including discrimination based on gender). It promotes the adoption of temporary special measures for the full enjoyment of everyone (male and female) of rights enshrined in the code (Art. 6).[171]

206. Harassment at work of any kind is also covered in the Code (Art. 7) including verbal, non-verbal or physical conduct as well as all forms of sexual harassment.[172]

207. In line with its commitment to promote gender equality in employment, the government is also looking to ratify of the two International Conventions – N° 111 and 100 – which are keys for gender equality at the workplace. They are expected to be examined by the Council of Ministers and then submitted to the National Parliament for their formal ratification by June 2013.[173]

*Social provisions*

208. While the Labour Code does not provide for an explicit minimum wage, it calls for the fair remuneration of labour ('equal pay for work of equal value', Art. 38.1) and protects this remuneration in the subsequent paragraphs.

209. A sub-committee of the National Labour Council was nominated – the National Commission for Minimum Wage - composed by the Secretariat of State for Professional Training and Employment (SEPFOPE), the former Ministry of Infrastructures, the Ministry of Economy and Development (now dissolved), civil society, businesspersons and the Labour Committee. A minimum wage was adopted by Decree-Law after consultations with employers, workers, agencies, local authorities and civil society,[174] established at $115 USD per month for a 40hr work-week.

210. The code provides also for provisions regarding the protection of the reproductive function such as maternity and paternity leave, time-off and flexible work time for ante-natal care and breastfeeding mothers, pre-natal leave in case of medical risk, leave in the case of miscarriage, leave for emergency child care (Art. 59, 60, 62, 64), protection of the health and safety of pregnant and nursing mothers, and protection against unfair dismissal due to maternity (Art 63 and 65).

211. However, at present, while these benefits are enjoyed by civil servants through the Civil Service Statute, the benefits are not enjoyed on a regular basis by private

[170] Ibid., Article 6.1
[171] Ibid., Article 6.2 and 6.4
[172] Ibid., Article 7.1, 7.2, 7.3
[173] Interview of Fernando Pes, ILO Country Representative in Timor-Leste, Dili, May 2013
[174] "Goodbye Conflict, Welcome Development "AMP Government Snapshot (2007-2012) - IV Constitutional Government - Dili, 2012, pg. Sec1:88

sector workers since the majority of them are engaged in informal sector labours, and thus less likely to provide all these benefits to the workers.

*Civil Service Statute*

212. The alteration in 2009 of the Civil Service Statute introduced a new means of recruitment through civil service examinations that respects the principle of non-discrimination. The principle of equal payment for equal work is maintained.[175]

213. The Public Service Commission held in July 2012 a National Conference entitled "Women and Public Service: Role and Challenges" for the celebration of its 3rd anniversary. It brought civil servants together to share experiences and ways to ensure equal treatment and opportunities between men and women in the public administration. On this occasion, 7 female public servants from different institutions and of varying seniority were invited to be panelists and had the opportunity to make suggestions to improve the civil service to better serve women.

**Compliance Monitoring Mechanism**

214. The government created the Inspectorate General of Labour in 2010 under SEPFOPE responsible for regulating the labour market and promoting employee rights, as well as improving the working conditions and the enforcement of the law. The Inspectorate gives special attention to vulnerable worker groups such as women.[176] It undertook in less than 2 years, 3,099 workplace inspections, covering 44,681 workers in the 13 districts of the country.[177]

215. It was also created by law under the National Labour Council, the Labor Relations Board (or Labour Arbitration Council) in charge of receiving complaints of workers and seeks redress for any case contravening to the provisions of the new Labour Code.

*Public Service Monitoring*

216. The Public Service Commission (PSC) is in charge of the reception and investigation of any case of discrimination, according to the Civil Service Statute. Discrimination is punishable as a disciplinary offense. Since the establishment of the PSC in 2009, 4 disciplinary suspensions have been applied for cases of discrimination or sexual harassment against women.[178]

**Women and labour force participation**

217. Women have traditionally played an important economic role and their contribution to production is greater than indicated in statistics, which often reflect only their primary occupation or only their income generating/productive occupation.

218. According to the 2010 Labour Force Survey (LFS), women only have minor higher unemployment rates compared to men. Both unemployment rates are low,

[175] National Parliament, Law N° 5/2009, 15th July, Dili, Timor-Leste

[176] Decree-Law N°19/2010 approving the Inspectorate-General of Labour, Dec. 2010, Dili, 2010

[177] Goodbye Conflict, Welcome Development "AMP Government Snapshot (2007-2012) - IV Constitutional Government - Dili, 2012, pg. Sec1:89

[178] Public Service Commission response to CEDAW questionnaire, Dili, 2012

4.6% for women and 3.1% for men. However, given the definition and nature of employment in Timor-Leste, unemployment should not be considered a key indicator. Rather, underemployment and vulnerable employment are more relevant to monitoring equitable participation in the labour market. Labour force participation is low, even though the definition of employment only requires a person to work for at least one hour per week to be counted as employed. Less than half (43%) of the working age population (age 15-59) participate in the labour force (i.e. they are either employed or unemployed) with significant differences between the sexes (27% women and 56% men).[179] (Refer to Table 6 attached in annex)

219. The 2010 LFS revealed that underemployment – those wanting to increase their working hours for more pay – is quite low for both men and women. The disadvantage of women in the work force is more evident in the vulnerable employment rate, which reveals that 78% women employed are in vulnerable jobs compared with 66% men.

220. About 57% (307,000 people) of the working age population were economically inactive in 2010, with significant gender disparities (72% working age women economically inactive against 42% men).[180] The male employment to population ratio is more than twice as high as females: 54% for males against 26% for females.[181]

*Women's barriers to labour force participation*

221. The survey reveals that family duties constitute a major reason for inactivity among women. More than one third of women (36%) gave this as the reason for their inactivity compared to only 7% of men.[182] The 2010 Census also revealed that women with no children are more likely to participate in the work force than those with children; and the more children a woman has, the less likely she is to be economically active. However, the participation rate of women with no children is still far below that of men.[183]

*Education level of the employed population*

222. The level of education seems to have little bearing on whether women or men are economically active. According to 2010 LFS, the highest labour force participation rates are amongst men with no education, about 40% of the men employed, followed by those that have gone no further than pre-primary level (21%). A similar trend is observed for women with highest participation rate in labour force is amongst women with no education with 57,5% among all employed women.[184] However, one can see that most men and women are working in unskilled occupations, as own-account or contributing family workers, for which education qualifications are unlikely to be a pre-requisite.

223. On the other hand, women in decision-making positions have a comparatively higher level of education than their male counterparts, with almost 80% of women

[179] Own calculations based on data published in the report on the Labour Force Survey 2010 (DNE)
[180] TL-LFS 2010, pg. vii
[181] Ibid., pg. 32
[182] Ibid., pg.28
[183] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010
[184] TL-LFS 2010, pg.31

versus 63% men having completed secondary, school or higher, meaning that women need higher qualifications to attain the same decision-making position. In spite of this, census results show that women's share in some high level positions has increased markedly between 2004 and 2010, with the proportion of women in senior official positions rising from 13% to 35%.[185]

*Status in employment*

224. There are 72,000 people (about 78% males and 22% females) classified as paid employees. This more secure form of employment is the norm for only 28% of the total labour force and 19% of working women. Among females, the largest group of employees is in the education sector (more than 30% of women employees and 18% men employees). There are only 4,000 employers in Timor-Leste, with women's share being one quarter of those, almost all in the agricultural sector.[186]

225. Women working as self-employed own account workers a share of 46% of women in labour force. Most of these are working in agriculture (44%) or wholesale/retail trade (44%) with some also in the manufacturing sector (11%). Contributing family workers (29% of the working population) are working almost exclusively in the agricultural sector for both men and women, with the remainder mainly engaged in wholesale/retail trade. One third of women in the labour force (32%) are working as a 'contributing family worker'.[187]

*Vulnerable employment*

226. Vulnerable employment is defined as relatively insecure working situations being unlikely to have formal work arrangements, access to benefits or social protection programs and is more likely to be at risk of the effects of economic cycles (usually own account and contributing family workers). Across all sectors, the vulnerable employment rate in Timor-Leste is 70%. Two thirds of employed males (66%) and three quarters of employed females (78%) are in vulnerable employment, with the rates being particularly high in the sectors of agriculture and wholesale/retail trade. There is 50% of the total working population that is working in agriculture, forestry or fishing and can be considered in vulnerable employment (98% of all employment in that sector). In the same vain, 15% of the total working population engaged in wholesale or retail trade can be considered as in vulnerable employment (86% of all employment in that sector – roughly same proportion for men and women).[188]

227. The vulnerable employment rate is twice as high in rural areas (81%) as in urban areas (42%), and in both areas is very much higher for women than it is for men.

*Informal sector*

228. Informal sector activities, as a subset of unincorporated enterprises owned by households and which are not constituted as separate legal entities independently of

[185] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010
[186] TL-LFS 2010, pg. 40
[187] Ibid., pg. 40
[188] Ibid., pg. 42

the households or household members who own them, and for which no complete sets of accounts are available (as defined by ILO) account for a significant proportion of total employment and income generation in Timor-Leste. If we consider the agricultural sector, most women and men work in the informal sector, but women tend to be concentrated in the lower income-generating areas of the informal workforce. Based on 2010 data, the national informal employment rate is 17.8% (in respect of non-agricultural activities as defined in the 2010 LFS). The rate is significantly higher for women (26.5%) than for men (13.5%).[189]

229. The majority of informal employment is in wholesale & retail trade (75%) and manufacturing (11%) with the remainder in the male dominated sectors of construction, mining and transport. The informal employment rate is higher in urban areas (20%) than in rural areas (17%) and much higher within women (27.5% of total women working population compared to 13% of the total men working population).[190]

*Secondary Activity*

230. Out of all women who are primarily economically inactive, more than one third of them are making some sort of economic contribution (42%). Most of them are in unpaid crop growing/livestock farming activities (29.5%), or making local textiles (*tais*), tablecloths, kurse or necklaces (7.1%).[191] (Refer to Annexes – Table 7)

231. On the other hand, men who were economically inactive were less likely to be spending any time doing any sort of economic activity. Only 23% of primarily inactive men were making an economic contribution. Of those who were, most were doing unpaid farming work (crop growing or livestock farming) (17.8%).[192]

**Women in Leadership Positions within the Public Administration**

232. In 2011, women's involvement in the Civil Service was 29%. However, the percentage of women in managerial roles is still quite low. Only 15% women were at the director level and 17% at the chief level.[193]

233. Specifically in the security sector, and in line with UNSCR 1325, the government is making particular efforts for the enrollment of women in the Police and the National Defense Forces. In the police, women have increased from less than 100 in 2000 to 577 (20%) and 8% of the national defense forces in 2010. To date, 19% of women police officer holds a chief position at national or district level. Out of these, only one female holds the position of District Police Commander (highest position in police hierarchy at the district level), appointed in September 2010 to lead a force of 100. At the Police Headquarters, 4 women are Chiefs of Department and the Director General at the Secretary of State for Security is female.

[189] Ibid., pg. 55
[190] Ibid., pg. viii
[191] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010
[192] Ibid.
[193] Calculated from Public Service Commission data 2011

Women also hold key positions within the MJ, such as Director of Prison Services and Director of the LTC.[194]

**Women in decision making positions in private sector**

234. In 2010, just over one third (35%) senior officials were women. While this is still a long way from 50/50, it is a significant improvement from 2004, when only 13% of women occupied senior official positions.[195]

235. Women entrepreneurs are still constrained by family and traditional obligations and, in addition, are also constrained by their lack of access to credit, technology and business skills. Other forms of discrimination, such as inheritance practices and domestic violence, are prevalent. Developments efforts are often fragmented and thus do not sufficiently address the multi-dimensional constraints to women's active participation in the economy.[196]

236. According to the 2010 LFS as well as the 2010 Census, there is persistent discrimination in recruitment and management of personnel and women have to be better qualified than men to obtain a high-level position. Almost 80% of women in decision-making positions had a secondary school education or higher, technical or vocational school, as opposed to 63% of men.[197]

**Government's initiatives in regards to employment**

*Descent Work Country Programme*

237. The Decent Work Country Programme presents a strategic framework defining the joint 5-year programme priorities of the Government of Timor-Leste, employers' organization, workers' organizations, and the ILO and its development partners. It addresses specifically the primary concerns of: employability and employment creation. As such, gender disparity in employment represented one of the 4 core focuses of the 2008-2013 Decent Work Country Programme and the promotion of gender equality is implemented as a cross-cutting theme.[198]

*Government Support to Women in the Private Sector*

238. The Institute for the Support of Business Development (*Instituto de Apoio ao Desenvolvimento Empresarial – IADE*) under the new Secretary of State for the Promotion of the Private Sector (SEAPRI) is responsible for capacity building of the population to set up and maintain a business activity. In 2012, about 49% out of 953 clients were women and benefitted from various services such as training on financial planning, accountability, stock control, and purchase management, as well as information sessions on business, counseling, public contests, and business matching.[199]

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[194] 'Ten-year Impact Study on Implementation of UN Security Council Resolution 1325', p. 28, 2010

[195] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010

[196] Ibid.

[197] Ibid

[198] Ibid., pg. 5-6

[199] 2012 IADE's data base report, Secretary of State for the Promotion of Private Sector (SEAPRI), Dili, 2013

239. A 'National Strategy and Action Plan for Gender and the Private Sector' is currently being developed by IADE assisted by ILO and aims to be implemented 2014-2017. The main objective of this strategy is to enhance collaboration among key stakeholders for the development of a private sector which takes into account gender differences and concerns, and responds to the needs of micro, small and medium entrepreneurs.

240. The Strategy and its Action Plan has five key areas, identified through meetings and consultations held with key stakeholders:

i. Improved institutional framework and business enabling environment

ii. Increased access to credit and financial services

iii. Increased access to Business Development Services and information

iv. Enhanced market access

v. Increased access to formal networks for women entrepreneurs

*Employment and Professional Training Fund – Technical and Vocational Education and Training (TVET)*

241. The government through SEPFOPE, in collaboration with ILO, promoted the creation of the Employment and Professional Training Fund (FEFOP) by Decree-Law. The fund's main purpose is to implement training programmes, directed to the needs of the local market such as a Micro-Credit Programme and an Employment Incentive Programme. The Decree-Law provides for a gender balance in the appointment of the members of the Board in charge of the management of the Fund, and is explicit on non-discrimination in its programmes.[200]

242. In 2009, 37 training providers received funds from FEFOP to support the delivery of vocational training ranging from non-formal livelihoods training to formal TVET courses. An estimated 1,653 learners, of whom 671 (41%) were female, received training. Trainings were delivered across six broad areas: Administration, Finance and IT; Hospitality and Tourism; Construction and Auto Mechanics; Agriculture and Local Products; Culture and the Arts; and Sewing. The bulk of training chosen by women was in administration, finance and computing (40%). Construction and mechanics was male dominated, with 351 men and 31 women. Roughly equal numbers enrolled in hospitality and tourism (12%).[201]

243. From 2010 figures, 48% females registered at Employment and Career Guidance Centres, but only 16% females were able to find work after finishing their training.[202]

[200] Decree-Law N°29/2008 for the creation of the Employment and Vocational Training Fund, Dili, 2008

[201] Review of 2009 TVET Training Outcomes, Secretaria de Estado de Formaçao Profisionnal e Emprego (SEFOPE), Dili, 2009

[202] Labour Market Information Systems Project, Project Progress Report, July – December 2010, Annex I: Gender Tables, Dili, pg. 7

## Article 12: Healthcare and Family Planning

### Data on Reproductive Health

244. Timor-Leste continues to have one of the highest fertility rates in the region with 5.7 births per women recorded in the 2009-10 DHS. However, this illustrates a significant drop from the previous rate of 7.8 births per woman recorded in the 2003 DHS.

*Maternal Mortality*

245. The maternal mortality rate in Timor-Leste remains high at 557 per 100,000 live births or about 6 deaths per 1,000 live births. The 2009-10 DHS reveals that two in every five women (42%) aged 15-49 who died in the seven years preceding this survey died from pregnancy or pregnancy-related causes. However, although earlier estimates are not directly comparable due to the varying models used, there is a positive trend when compared to the rates of 660880 deaths per 100,000 live births recorded in 2001. There is still a long way to go to achieve the MDG of 252 deaths per 100,000 live births by 2015.[203]

246. The Ministry of Health (MH) in its Strategic Plan 2011-2030 (NHSP) established the following expected results: 70% of pregnant women attending Ante-Natal Care (ANC) and post natal care at least 4 times by 2015; more than 40% of deliveries assisted at a health facility by 2015; all Community Health Centres (CHC) providing Basic Emergency Obstetric Care (BEOC) and all hospitals providing Comprehensive Emergency Obstetric Care (CEOC) services with appropriate personnel and equipment in place; maternal death and perinatal audits are performed to all maternal deaths in all facilities; teenage pregnancies reduced by 30% by 2015; and maternal mortality rates halted by 2015.[204]

*Abortion*

247. Between 2011 and 2012, the reported annual abortions performed either in health centres or hospitals has been relatively constant with 1.035 cases reported in 2011 (2.2%) and 972 cases in 2012 (2.3%).[205] (Please refer to the 2011 Specific Report on Education and Health for the legal details on abortion)

*Ante-Natal Care*

248. There has been a significant improvement in the proportion of women receiving ANC from a skilled provider (doctor, nurse or midwife). Following the improvement in the accessibility of medical facilities the proportion of pregnant women receiving ANC rose from 61% in the 2003 DHS to 86% in the 2009-10 DHS. Although more women are receiving ANC care, the rate differs between

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[203] 2009-10 DHS, p.121

[204] National Health Sector Strategic Plan, Maternal Health section, Ministry of Health, Dili, 2011, p.47

[205] Health Statistics Report – 2011' (*Relatório Estatistika Saúde - 2012*), Ministry of Health, Cabinet for health information system and epidemiological tracking, Dili, 2012, p.17; and 'Health Statistics Report – 2012' (*Relatório Estatistika Saúde - 2011*), Ministry of Health, Cabinet for health information system and epidemiological tracking, Dili, 2013, p.17

districts with the lowest rate being 71% of women in Ermera and the highest rate 96% in Dili.[206]

*Delivery Assistance*

249. Despite the significant increase in ANC, the low utilization of skilled assistance for delivery and postpartum care services is remains a concern. The 2009-10 DHS reports that only 30% of births are assisted by a skilled provider. Almost one in two women receive assistance from a relative or some other person (49%), 18% of deliveries are carried out by a traditional birth attendant, while 3% of births take place without any type of assistance.[207]

250. According to the recent annual statistical reports of the MH, the rate of women receiving skilled delivery assistance has improved of 8% in the last two years with a national rate of 51% in 2011 and up to 59% in the 2012 report.[208]

*Postnatal care*

251. In the area of postnatal care, there is a positive trend in women receiving a postnatal visit by a skilled carer according to the MH department of statistics. Indeed, the national rates have steadily increased of 12.2% in 4 years (34.5% in 2009; 38.6% in 2010; 41.7% in 2011; and finally 46.7% in 2012).[209] However, there are still significant disparities between the various districts within the country, with about 20% of postpartum women receiving a postnatal visit in some districts such as Oecusse and Ainaro, to more than 60% in some others such as the rural areas of Baucau and Viqueque.[210]

*Family Health Registration Programme*

252. The Family Health Registration programme was first set-up in 2008 to institutionalise the collection of statistical health data. This programme collected data on basic family health including vaccination of family members, use of Family Planning methods, access to clean water, etc… at *suco* level, through the Health Centers, Health Posts or SISCa (*Serviço Integrado da Saúde Communitária*), in collaboration with the Village Chiefs (*Xefe de Suco*). However, the mechanism and data collection were inadequate for the requirements of the Health Services and was revised in 2012 to enable better data collection process and to ensure better data quality. The new mechanism will provide a solid knowledge base for more effective policy development, implementation and monitoring of all aspects of women's and family health. So far, while the MH 2012 annual statistical report is still in process, 9 districts out of 13 are currently fully monitored, on a Village basis, by the revised Family Health Registration programme.[211]

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[206] 2009-10 DHS, p.113

[207] Ibid., p.121

[208] 'Health Statistics Report – 2011' (*Relatório Estatistika Saúde - 2012*), Ministry of Health, Cabinet for health information system and epidemiological tracking, Dili, 2012, p.14; and 'Health Statistics Report – 2012' (*Relatório Estatistika Saúde - 2011*), Ministry of Health, Cabinet for health information system and epidemiological tracking, Dili, 2013, p.14

[209] Ibid. 207 and 208, p.15

[210] 'Health Statistics Report - 2011' (*Relatório Estatistika Saúde - 2011*), Ministry of Health, Cabinet for health information system and epidemiological tracking, Dili, 2012, p.2

[211] Interview of João da Silva, Ministry of Health - Health Management Information System

**National Health Sector Strategic Plan 2011-2030**

253. The recent National Health Sector Strategic Plan 2011-2030 placed maternal health and child health as the two highest priorities within the national health programmes. The strategy identified various key indicators and established the following expected results: 70% of pregnant women attending ANC and postnatal care at least 4 times for each pregnancy by 2015; more than 40% of deliveries assisted at a health facility by 2015; teenage pregnancies reduced by 30% by 2015; Maternal Mortality Rate (MMR) halted by 2015; 100% of hospitals provide quality paediatric services, and Infant and Under 5 Mortality Rates reduced significantly.

*National Reproductive Health Strategy*

254. The National Reproductive Health Strategy (NRHS) was established in 2004 for the period to 2015, and follows the MDGs. In keeping with the overall policy of the MH, the NRHS will be reviewed at the end of the first quarter of 2013 for the last 2 years of implementation and for continuing relevance in regard to MH internal systems, planning procedures and further changes in overall service delivery.[212] After its final revision, the NHRS will become a Maternal/Newborn/Child Health Strategy and will be implemented as an 'umbrella strategy'[213].

255. NRHS established the 'Making Pregnancy Safer' Strategy, the central objective of which is to ensure safe pregnancy and childbirth through the availability, access and use of quality skilled care for all women and their newborns. Essential components of skilled care is the presence of a skilled attendant and other key skilled professionals supported by an appropriate environment with access to basic supplies, drugs and relevant emergency services.

*Improvements in awareness and access to medical assistance*

256. As part of primary health care provision, in 2008 the Integrated Community Health Service - SISCa was created to support geographically remote and isolated communities with a Basic Service Package. SISCa is a central component of the strategy for improving the quality of, and access to, primary health care in 602 villages. Presently, there are about 477 SISCa posts operating according to the standards set for family health registration, and which provide interventions in the fields of maternal and child health and nutrition, direct medical and medication assistance, health promotion and education actions. The SISCa posts provide mobile services to various locations in the villages including schools and markets.[214] (Refer to Specific Report, Reproductive Health section, for more details on SISCa)

257. Through SISCa, direct delivery of health services to communities has increased. To date, approximately 450 outreach visits are being provided every month.[215] In 2010, SISCa contributed to ensuring access by around 550,000 people to a range of basic health care services, including maternal and child health, and

department, Dili, Feb. 2013

[212] Interview of the Vice-Minister of Health, Natalia de Araújo, Dili, Jan. 2013

[213] Interview of Misliza Vital, Ministry of Health, Maternal and Child Health department, Dili, Feb. 2013

[214] 'Goodbye conflict, Welcome development' report, AMP government snapshot (2007-2012), Dili, 2012

[215] 'Health Sector Strategic Plan Support Project', The World Bank, 2012

nutritional interventions, family health registration, health promotion education medical and medication assistance.[216]

258. To date, the implementation of SISCa by MH has been financially supported by AusAID and the European Union through the Health Sector Strategic Plan Support Project, and sub-contracted to 5 NGOs - ChildFund International, CARE, Médicos Del Mundo, HealthNet International, and Oxfam International - to provide specific activities for service delivery and health promotion, and thereby supporting wider coverage of health services in Timor-Leste.[217]

259. At the sub-district level, CHC provide a higher level of services than health posts, and have a broader array of staff, providing mobile clinic services and technical and management support to health posts. CHC are equipped in every sub-district according to the population's needs and the distance to more advanced referral facilities. Between 2007 and 2012, MH built 46 new maternity and health centres that improve access and the quality of maternal and reproductive health, and rehabilitated a further 41 Health Centres and / or Posts throughout the 13 districts.

*Enhancement of health sector work force*

260. The government created a School for Nursing and Midwifery, under the Faculty of Medicine and Health Sciences of the National University of Timor-Leste (UNTL) in 2008.[218]

261. 400 Timorese students graduated as medical doctors in 2012 through a cooperation agreement with the government of Cuba and have joined the 80 Timorese doctors already practicing that graduated in 2010/2011. It is expected that by 2016 there will be over 1,000 Timorese medical graduates practicing as doctors in Timor-Leste.

262. In 2012, immediately prior to this graduation, and with targeted effort in external recruiting and internal training, Timor-Leste had 13 medical specialist doctors, 139 doctors in general practice, 1,271 nurses and assistant nurses, 427 midwives and 416 health technicians.[219] Thus, even though Timor-Leste suffers from an overall deficiency of human resources in the health sector, the overall workforce in public health sector followed a positive trend from 1387 health care practitioners in 2008 to 2266 at the end of 2012.[220] According to 2010 Census, there is an approximate gender balance within the health practitioners in the country (47% women to 53% men). The ultimate objective of the government is to have at least one doctor, two nurses, two midwives and one laboratory technician for each health post in each village of at least 1,000 habitants.[221]

[216] 'Goodbye conflict, Welcome development' report, AMP government snapshot (2007-2012), Dili, 2012

[217] 'Health Sector Strategic Plan Support Project', The World Bank, 2012

[218] 'Goodbye conflict, Welcome development' report, AMP government snapshot (2007-2012), Dili, 2012

[219] 'Health Statistics Report – 2011' (*Relatório Estatistika Saúde - 2011*), Ministry of Health, Cabinet for health information system and epidemiological tracking, Dili, 2012, p.8

[220] National Health Sector Strategic Plan, situation analysis section, Ministry of Health, Dili, 2011, p.12

[221] Ibid., p.71

**Child Health**

263. The improvements in service delivery for maternal health, have contributed to the significant decline in infant and child mortality: under-5 mortality for the period 2005-2009 is 64 deaths per 1,000 live births. The majority (70%) of deaths among children under age 5 occur during the first year of life: infant mortality rate (IMR) is 45 deaths per 1,000 live births.[222]

264. Comparison between the 2009 and 2003 DHS results shows a substantial improvement (23%) in child survival, with under-5 mortality declining from 83 per 1,000 live births during the period 1999-2003 to 64 per 1,000 live births during the period 2005-2009. This was largely due to a decrease in infant mortality from 60 deaths per 1,000 births in 1999-2003 to 45 per 1,000 in 2005-2009.[223] Thus, Timor-Leste is on track to reduce infant and under-5 mortality to reach the target for MDG 4, that is, to reduce under-5 mortality by two-thirds by 2015.[224]

**Family Planning**

265. As lower fertility rates suggests and data on contraceptive use show, there has been a positive trend in their use by currently married women since 2002. Use of modern methods doubled in the five years between 2002 and 2007 and rose by nearly 50% in the period between 2007 and 2010. The increase in use of modern methods contributed to a three-fold increase in overall contraceptive use, from 7% to 21% of currently married women, in a matter of 7 to 8 years.[225]

266. According to the 2009-10 DHS, one in five (22%) of currently married women is using a method of family planning with 21% using a modern contraceptive method. Injectables are by far the most popular modern method, and they are used by 16% of currently married women.

267. The most recent data of the MH actually show a slight positive trend with 26% of women using Family Planning (FP) methods in 2011 and 2012 compared to 20% in 2010.[226] Here again, there are significant differences between districts. According to MH, women using FP methods are up to 70% in some districts such as Manufahi (which is a mostly rural area) while the rate falls to 13% in districts such as Aileu and Dili (the most urban area of the country).

268. This may be due to the fact that data collection is still in the process of improvement, and data collection on FP commenced only in 2010. The improvement of the Family Health Registration programme since 2012 will contribute to a more reliable knowledge base in the future.

269. There are still gaps to be filled as the 2009-10 DHS reveals that demand for family planning has grown faster than services can be supplied. Only 42% of currently married women reported that their family planning needs, either for spacing or limiting, are being met.[227] (Please refer to Specific Report on Education and Health, for further information.)

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[222] 2009-10 DHS, p.100
[223] Ibid., p.101
[224] Ibid.
[225] Ibid., p.66
[226] Ibid. 207 and 208, p.28
[227] Ibid., p.95

*Sex-education programmes*

270. The ME developed an Adolescent Reproductive Health curriculum for grades 7-12 which includes conduct in relationships and matters related to GBV and DV. Supplementary training for teachers on the Adolescent Reproductive Health curriculum was also developed which has been piloted at 10 schools in Timor-Leste in 8 districts (Aileu, Ainaro, Baucau, Bobonaro, Dili, Ermera, Manatuto and Oecusse).[228] (Please refer to the Specific Report on Education and Health for further information)

271. Please refer also to the Specific Report on Education and Health, for details on the Behaviour Change Communication (BCC) programme, particularly in regard to interventions, targeting men, women and young people of reproductive age (15-49 years old) through awareness-raising campaigns with the aim of demand creation for all reproductive health services and information.

**Mental Health**

272. Data is now available on identified cases of mental disorders since the improvements in data collection and statistics management of the MH between 2008 and 2012. These figures released by the Department of Mental Health show that the most common mental health disorder in Timor-Leste is Acute Psychosis with about 450 female cases in 2012. Schizophrenia is the second most common disorder with 350 female cases followed by depressive disorder (about 150 female cases), bipolar disorder (60 female cases) and anxiety disorder (less than 50 female cases). On a general note data indicates that the mentally ill are more likely to be female: about 55% of mentally ill are female. The difference between males and females is greatest for depressive disorders. [229]

## Article 13: Economic and Social Benefits

273. The prevalence of poverty in Timor-Leste is estimated to reduce by 9%, from 49.9% in 2007 to 41% in 2009 according to the World Bank.[230] Acceleration efforts have commenced by the Government with support from development partners. One main focus area is the development of the non-oil economy and more specifically the rural economy which supports around 70% of the country's population. Women, rural populations, youth and persons living with disabilities face particular challenges in fully participating in economic development..

274. The Government is progressively increasing its capacity to provide its population with basic social services, including social security. The SDP 2011-2030 reiterates the commitment to alleviating extreme poverty, building human capacity and making basic social services accessible.[231]

[228] 'Goodbye conflict, Welcome development' report, AMP government snapshot (2007-2012), Dili, 2012

[229] Statistics of the Department of Mental Health of the MH, Dili, 2013

[230] World Bank, "A 2009 update of poverty incidence in Timor-Leste using the Survey-to-Survey Imputation Method". The national poverty line was defined as US$ 0.88 per capita per day in 2007.

[231] Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, May 2012

**Social Protection to Vulnerable Groups**

275. The government adopted Decree-Law N° 19/2008 on support to elderly and disabled people implemented by the National Directorate for social security under MSS.

*Care for the elderly*

276. The 2010 Census identified about 87,500 people aged 60 years and above in Timor-Leste, of which just above half, 45,000 were women.[232] According to MSS, about 85,000 people benefited from elderly pensions in 2011, including almost 45,000 women. Hence, virtually all elderly identified by the census, women and men, benefit from pensions.[233]

277. Only 11% of the beneficiaries reside in Baucau and Dili, the two most urban districts in the country and, according to the census, home to 23 percent of the elderly population (aged 60 and above). This indicates that predominantly rural elderly benefit from this pension. A cross-cutting registration process involving the Ministry of State Administration (MAE), the National Directorate for Statistics (DNE) and the Technical Secretariat for Electoral Administration (STAE) in the 13 districts of the country avoids exclusion errors and duplication in the delivery of social protection.[234]

*Care for disabled people*

278. According to the Census 2010, there are 48.243 persons living with disabilities representing about 4.5% of the total population. Among them, approximately 27.5% are living with mental disabilities, 61% with visual impairment, 42.5% are mobility impaired, and 36% live with hearing problems (one person may have several disabilities).[235]

279. MSS in 2011provided assistance to about 4,800 people with disabilities (about 44% women), through a grant programme. However, given the statistics above, the Government is only able to provide assistance to about 10% of disabled persons in the country.[236] .

*Social security and retirement incomes*

280. The V$^{th}$ Constitutional Government programme commits to adapt the current transitional regime for social security into a permanent regime that will guarantee the basic social protection needs of civil servants and their dependent family members. This regime will be expanded into a universal contributory social security system to ensure that all workers and dependent family members - in both public and private sectors - will be guaranteed a pension in case of retirement, disability or death. [237]

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[232] Timor-Leste Census 2010, Volume 2, Dili, p.54

[233] MSS annual gender report – 2010/11, Ministry of Social Solidarity, Dili, 2012, p.12

[234] Ibid.

[235] Timor-Leste Census 2010, Volume 3, Dili, p.340 - As people can have one or more types of disability, these figures add up to more than the total number with disabilities.

[236] MSS annual gender report – 2010/11, Ministry of Social Solidarity, Dili, 2012, p.13

[237] Programme of the Vth Constitutional Government, 2012-2017, Dili, 2012 , pg. 20

**Cash Transfer Programmes**

*Care for Women Headed Households - Bolsa da Mãe Programme*

281. Timor-Leste's first conditional cash transfer scheme known as the Mother's Purse (*Bolsa da Mãe*) started early 2008 and was designed to address the link between vulnerable female-headed households and their children's lack of educational attainment as part of the 'Social Action Policy'. In 2008 the scheme was trialed in all 65 sub-districts, reaching 7,051 widowed female heads of households and orphans. Quotas apply to each level of schooling from primary to university level, with payments ranging from US$ 40 - 360 per year.The majority of the vulnerable households were identified as women-headed households (90% heads of households were women in 2011/12).

282. The programme continues to be funded through State Budget allocations to MSS, with the allocation increasing from US$ 663,750 in 2008 to US$ 2,520,000 in 2012 (5% for operational costs) and is now implemented in the 13 districts of the country for about 14,000 beneficiaries identified by the ministry as being poor female headed families.

283. The programme was re-oriented in 2011 to focus on the attainment of MDG 2 - universal primary education and led to the removal of the higher level education categories -. The *Bolsa da Mãe* Decree-Law was passed by Parliament February 2012 to accurately reflect the new *Bolsa da Mãe* criterion and policies set in place in order to achieve the targets of supporting vulnerable women-headed households in the primary education and immunization of their children. However, it was identified during the consultative process of the present report that the criteria for the identification of the beneficiaries are still unclear and need to be clarified.

284. Finally, the World Bank's Social Protection Survey 2011 revealed that 96% of the beneficiaries of this programme have, since the beginning of its implementation, used the grant to purchase educational items for their children. (Refer to Annexes – Table 8).

*Other Cash Transfer Programmes*

285. A number of government institutions including, MSS, Ministry of Agriculture and Fisheries (MAP), Ministry of Economic Development (MED)[238], SEPFOPE and SEPI have participated in the economic empowerment of women through cash transfer programmes targeting women. SEPI's Public Transfers Programme, and the Mother's Purse programme are the only two programmes still running at the time of writing.

286. SEPI has supported women's groups to start small businesses since 2008 through a cash transfer scheme. Initially, little training and guidance on marketing was provided to target groups receiving cash transfers, and was found insufficient for economic empowerment. Subsequently, the cash transfer scheme entered into partnership with IADE, MED, and SEPFOPE for the promotion of agricultural products of the women's groups.

287. The total amount granted until 2011, under the Women's Economic Empowerment Programme, was $349,967 USD, distributed among 162 groups of

[238] No longer exists in the Vth Constitutional Government

women, over the 13 Districts, 48 Sub districts and 103 villages. An average $2,160 USD was granted to each group of women. Also, even though Dili attracted 34% of the total amount, the majority of the grants were allocated to groups in rural areas. 77% of the groups (from 2008 to 2010) sustained their activities.[239]

**Access to Credit Facilities**

288. Access to credit is a problem for small businesses and individuals in Timor-Leste, especially those living in rural areas. The sector is however currently evolving,and in order to address this issue, the government integrated as targets into the final year of the implementation of the National Priority (2011) for Rural Development: increasing the diversity of financial products and services available to microfinance and; 10,000 additional clients to have access to microfinance services with at least 50% women beneficiaries.[240]

289. After the National Priorities programme ended, following the SDP 2011-2030, the government is continuing to develop the domestic financial markets, including commercial bank lending. The Government is also working to spread microfinance of all kinds, including saving accounts and micro-lending.[241]

290. In this regard, the Government transformed in 2012 the Timor-Leste Micro-Finance Institute established in 2001 into the National Commercial Bank of Timor-Leste (BNCTL), which has branches in every district and reaches the sub-districts with mobile banking vehicles. The Government expects to offer lines of credit as a means to alleviate poverty and promote economic development, particularly in rural areas.[242] in order to make access to credit and banking easier to all people, especially women, BNCTL provides services to individuals and to micro, small and medium enterprises.[243]

*Partnership with Specialized Microfinance Institutions*

291. The sector consists of two specialized NGOs: *Moris Rasik* –the largest microcredit institution in the country and the leading microfinance institution for poverty reduction, it operates solely in rural areas and lends almost only to women – and *Tuba Rai Metin* – which is dedicated to microcredit programs for women in Dili and in the eastern districts. There are also several credit unions and a number of microfinance programs; these organizations are members of the Association for Microfinance in Timor-Leste.

292. The Inclusive Finance for the Underserved Economy (INFUSE) project, implemented by the government through the former MED (now by Ministry of Commerce, Industry and Environment - MCIE), in partnership with its implementing partners UNDP, UNCDF and AusAID is strengthening the capacity of microfinance institutions. The programme strives to building an inclusive financial

[239] SEPI – Monitoring and Evaluation Department's response to CEDAW questionnaire, Dili, Nov. 2012

[240] Gender-sensitive Targets and Indicators in the 2011 National Priorities, Ministry of Finance, Dili, 2011

[241] Timor-Leste Strategic Development Plan 2011-2030, Office of the Prime Minister, Dili, 2011

[242] Decree-Law N° 3/2011 on 'Transformation of the Institute of Microfinance into a public company limited capital', Dili, Jan. 2011

[243] Programme of the V$^{th}$ Constitutional Government of Timor-Leste, Office of the Prime Minister, Dili, 2012

sector with the overall goal of increasing sustainable access to every, man and woman to a range of financial services such as savings, loans, money transfer services and, insurance for poor and low income populations.

293. The reach of the INFUSE programme implemented *Moris Rasik*, *Tuba Rai Metin* and BNCTL has far exceeded the objectives with 141, 696 active clients at the end of 2012, compared with 32,929 for the same period in 2008. Even though the large majority of the beneficiaries of the services of BNCTL are clearly women, there is not yet disaggregated data by sex. Data disaggregated by sex for *Moris Rasik* and *Tuba Rai Metin* - show that 90.2% of the beneficiaries are women.[244]

*Micro-insurance*

294. The INFUSE programme is also facilitating partnerships between the microfinance institutions - *Tuba Rei Metin* and *Moris Rasik* - and National Insurance Timor-Leste (NITL) for the creation of a range of regulated micro-insurance products. While still in the early stages of development, these micro-insurance products have great potential to improve the financial stability of many Timorese and are already effective for 9,000 women with small businesses across the country in January 2013.[245]

295. The two first insurance products developed are mandatory for the disbursement of new loans and provide coverage for the women and their spouses. Payouts can be made if a client or a client's spouse dies. If a borrower dies, the remaining loan will be cancelled and her family will receive a pay-out on the initial borrowed amount, with a minimum of $500 USD. If the borrower's husband dies, the family will receives half of the amount borrowed. This service was made in order to enhance especially the quality of life for the widows, orphans and the needy.[246]

296. Noting that many women borrowers, concerned that the surviving husbands might use the payout to remarry rather than provide care for children, preferred not to list their husbands as beneficiaries. To improve the value of new products this feedback was incorporated into the product pilots.[247]

## Article 14: Rural Women

297. According to the 2010 Census, Timor-Leste has just over 1.06 million people (50.9% men / 49.1% women; for a sex ratio of 102.99). The overwhelming majority (71%) of the population living in rural areas (same disaggregation specifically between urban and rural women – 71% rural women).[248]

[244] INFUSE Outreach reporting data, Dili, Feb. 2013

[245] Micro-insurance development in Timor-Leste, Focus notes – Pacific Financial Inclusion Programme, Nov. 2012

[246] 'New micro-insurance protects women's livelihoods', INFUSE/UNDP Timor-Leste, Dili, Jan. 2013

[247] Micro-insurance development in Timor-Leste, Focus notes – Pacific Financial Inclusion Programme, Nov. 2012

[248] 2010 Census – Volume 1, Dili, 2010, p.11

**Policies and Legislation**

298. The IV Constitutional Government ratified Decree-Law No. 26/2011 on Sustainable Rural Development, which created an Inter-Ministerial Commission for Rural Development (ICRD) led by the Minister of Economy and Development (MED). This Commission's main task has been to identify priorities for rural development, to determine appropriate inter-ministerial coordination to identify, implement and complete the projects, and, to set up coordination and assurance within the development partnership. The commission was also responsible to include collection of sex-disaggregated data, and monitoring of gender equity at the higher framework level within the Strategic Framework for Rural Development 2010-2020.[249] However, the dissolution of MED led to a vacuum in leadership and responsibilities. In the V Constitutional Government, the re-activation of this Commission is under the supervision of the Deputy Prime Minister, with the participation of several relevant ministries, notably the Ministry of State Administration, the MF, the MAP and the Ministry of Public Works (MOP).[250]

299. In terms of access to water for rural communities, a National Water Resource Policy is being drafted and is now in the process of re-engagement within the National Directorate of Water under MOP. The Water, Sanitation, and Hygiene in the Community (BESIK - *Bee, Saneamentu no Ijiene iha Komunidade*) programme supported by AusAID, is currently assisting the Government of Timor-Leste in drafting the law. It is expected that the law will be passed in the National Parliament by the end of 2013.[251]

300. Decree-Law No. 4/2004 on Clean Water Consumption and Waste Management (in whose Working Group SEPI was involved to draft the law) guarantees a system for rural and urban water system including clean facilities, and guarantees all women - especially rural women - access to clean water and good sanitation.[252] Following SEPI's inputs into the development of the Water policy and Sanitation policy in 2010-2011, the water policy promotes rural women's leadership on community water management committees with a minimum quota of 30% and recommendation of 50%, as well as women in technical and managerial roles. The sanitation policy promotes access for all, including sex separate, menstrual hygiene friendly public toilets particularly in schools.[253]

301. The impact of uncertainty with regard to land and property ownership has been a sensitive issue and often became source of conflict among Timorese.[254] The Land Law (officially called the Special Regime for the Definition of Ownership of Immovable Property) has been pending since 2008, and underwent extensive

[249] Report of the Council of Ministers, January 2013, http://timor-leste.gov.tl/?p=7699&lang=en (March 1, 2013)

[250] Ibid.

[251] Information provided by Besik programme in the National Consultative Workshop for CEDAW Periodic Report, 13 – 14 of March 2013. Information also obtained from "Sustainable Development in Timor-Leste: National Report to the UN Conference on Sustainable Development (UNCSD)" - On the run up to Rio+20, February 2012, p. 42 – 44

[252] Ministry of Infra-Structure's response to CEDAW questionnaire, August 2012 with additional information from Besik programme in the CEDAW Consultative workshop, 13-14 March 2013.

[253] Input from Joanna Mott, Gender and Social Inclusion Advisor to the Besik Programme, Dili, May 2013

[254] Sustainable Development in Timor-Leste: National Report to the United Nations Conference on Sustainable Development (UNCSD) - On the run up to Rio+20, February 2012, p. 36.

revision during the months of Feb-Apr 2013 with the establishment of a Gender and Land Law Sub-working Group. Inputs focused on ensuring women's participation during cadastral consultations, encouraging land titling in the names of both spouses, receiving/accessing equal compensation, and receiving special protection during expropriation processes. The law has now been re-presented to the Minister of Justice, and is awaiting approval by the Council of Ministers.

*Priorities and Strategies for Rural Development*

302. Rural women plays a crucial role in the economic development of Timor-Leste, predominantly through the agriculture sector. In order to better assess rural women's needs and priorities and consider women in future agricultural programs, in 2008 MAP initiated the drafting of a Gender Policy for Agriculture. The Gender Policy was developed in consultation with women working in agriculture, women extension workers, women's organizations as well as other relevant stakeholders. The opinions voiced at the consultation workshops have been submitted to the Gender Policy drafting committee and are now in the final stages.[255]

*Food Security for Women in the Rural Areas*

303. Food insecurity remains a challenge in Timor-Leste, especially for children and women in the rural areas. According to the 2009-10 DHS, 27% of women were found to have a Body Mass Index (BMI) of less than 18.5 indicating that malnutrition among women is a serious public health concern. However, a positive trend was observed in women's nutritional status with the percentage of women with a BMI less than 18.5 decreasing from 38% in the 2003 DHS to 27% in 2009-10.[256]

304. Women aged 15-19 are more likely (33%) to be undernourished than women in other age cohorts. Women in rural areas are more likely to have a BMI less than 18.5 (28%) than women in urban areas (24%).[257] Bobonaro district has the highest percentage of undernourished women (39%) compared with Baucau district, which has the lowest percentage (17%).[258]

305. One of the most common forms of malnutrition in the country is Protein Energy Malnutrition (PEM).[259] It was identified through the DHS 2009-10 surveys that the nutritional status in districts with a poor crop harvest had deteriorated,[260] and worsened the food insecurity of rural communities. Several nutrition programs have been launched by the Nutrition Department of the Directorate of Community Health of the MH.[261]

306. In order to promote agricultural growth, sustainable food security and to reduce chronic malnutrition in rural areas, the Home Garden Project is being promoted, which incorporates the improvement of crops in farms and gardens,

[255] Response to questionnaire to the CSW, August 2011, and response from the MAP, October 2012

[256] Ibid., p. 166

[257] Ibid., p. 165

[258] Ibid., p. 166

[259] DHS 2009-10, p. 147

[260] Ibid., p. 150

[261] Ibid., p. 147 (The major partners in initiating programs to address the problem of malnutrition are the WHO, UNICEF, WFP, USAID, CARE International, Oxfam, World Vision, Concern, Alola Foundation, *Medico do Mundo* (MDM), TAIS (*Timor-Leste Asistensia Integradu Saude*), and other international and national NGOs)

nutrition education and cooking instructions. 70% of the beneficiaries of this project are women.[262]

**Access to Rural Infrastructure**

*Construction of access roads to villages*

307. The Timor-Leste SDP 2011-2030 emphasizes the need for accelerating and increasing investments in the country's infrastructure, including rural roads, as a key condition to achieve accelerated sustainable development. The SDP identifies that the state of rural roads are generally poor.[263] Survey work indicates that 3.5% of roads are in good condition, 27% in fair condition, 52.7% in bad condition and 16.2% in very bad condition.[264]

308. With over 70% of the population living in rural areas, it is critical that the rural road network is improved to link people and communities, encourage agricultural and natural resource development, increase rural incomes and allow for the effective delivery of government services including health care, education and security, especially in regards to women.[265]

309. The Government through SEPFOPE, from 2009 to 2012, involved 13,614 women (35%) and 35,017 men (72%) in reconstruction of roads in rural areas, on a $3 USD per day programme. Women usually take part in the pre-reconstruction works performing tasks such as weeding, cleaning, stone picking and other light work.[266]

310. These $3 USD per day roadwork projects resulted from research on "Building Peace within Communities" conducted in 2009, aimed at fulfilling the immediate needs of women in many households in the rural communities. In order to engage more women in the rural projects, there is a Commission in every village where one women's representative takes part in the planning and decision-making processes in rural development projects.[267]

311. Since 2012, the Roads for Development (R4D) programme has the mandate to manage all public roads. While the MOP is responsible for the programme, ILO is the designated implementing partner for R4D.[268] As a result of R4D, women and men in rural areas are deriving social and economic benefits from improved road access. Policy dialogue with communities is considered central to the ultimate success of R4D by promoting sound institutional arrangements for road management and the integration of social and environmental concerns, including gender equality, into road works.[269]

312. R4D had as an initial target 30% women's participation in the workforce. R4D now aims to increase this rate to 50% through the implementation of its Gender Equality Strategy which is part of the R4D Social Safeguards Framework.

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[262] CGA by JICA Timor-Leste, 2011, p. 23 – 24

[263] SDP 2011 – 2030, Part 3 – Infrastructure Development – Rural Roads, p. 76.

[264] Road for Development, Project Document 2012, p 3

[265] SDP 2011 – 2030, Part 3 – Infrastructure Development – Rural Roads, p. 76.

[266] SEPFOPE's input during Consultative Workshop of the present report, 13 – 14 March 2012

[267] Ibid.

[268] Road for Development, Project Document 2012, p.1

[269] Ibid., p. 3

*Access to clean water and good sanitation*

313. The 2010 Census reported that 34.1% households still use water from unimproved sources (including unprotected wells, rivers, lakes and springs) which are at risk of pollution and very often lead to spread of disease, the majority of these households being in rural areas.[270] According to the same source, 57% people in rural areas have access to improved drinking water, compared to 91% in urban areas.

314. The most common type of sanitation is 'no facility or the bush' (28% of households). One quarter of households (25%) rely on family communal toilet facilities that are shared between several households, increasing the likelihood of spreading disease. The two most significant causes of infant and child mortality in Timor-Leste – lower respiratory infection and diarrheal disease – are directly related to a poor sanitation and hygiene.[271]

315. Nevertheless, improvements have been made by the Government since the beginning of 2010, both through MDG Sucos programmes and SDP implementation. According to the 2010 Census, 57% of Timor-Leste's rural population has access to improved drinking water, and 25% have access to improved sanitation facilities. In rural areas, the main source of drinking water is from an unprotected well or spring (25%), compared to urban areas, where source of drinking water is from household taps (42%).[272] About 18% of rural households used improved sanitation facilities compared to 61% in the urban areas. 25% of rural households have access to hand washing facilities with soap.[273]

316. Improvements have also been made in terms of time needed for collecting water in rural areas. During the 2011 – 2012 period data from 179,878 households in 1,954 hamlets shows that about 34% of households spent 5 minutes to collect clean water compared with 16% in July 2010. 28% spent 30 minutes to collect clean water and 38% spent more than 30 minutes. Although not disaggregated by sex, these figures show a significant improvement where more communities access clean water in 5 minutes in the rural areas.[274]

317. However, sustaining these water supply systems is often a problem, with many communities having difficulties in operating and maintaining them.[275] The National Directorate of Water and Sanitation (DNAS) is the responsible agency for the involvement of rural women in Facility Management Groups (*Grupu Maneja Fasilidade - GMF*). The role of GMFs is to maintain the facility by repairing broken water pipes, measuring rainfall and collecting money from community households for the maintenance of the clean water supply facility in each village.[276]

318. According to the data of the DNAS which was initiated in 2010, there are about 778 *aldeias* with GMFs (about 40% of all *aldeias*). Out of approximately

[270] 2010 Timor-Leste Population Census, National Statistics Directorate - General Directorate of Policy Analysis and Research, Ministry of Finance, Dili, October 2010; SDP 2011 – 2030, p. 79

[271] Ibid.

[272] Census 2010 on the SDP 2011 – 2030, p. 81

[273] Besik programme (interview with Joanna Mott and Oscar da Silva), information based on census 2010

[274] Ibid., Information also obtained from the CEDAW consultation workshop, 13-14 March 2013.

[275] SDP 2011- 2030, p. 80

[276] Response to CEDAW Questionnaire from Ministry of Infrastructure, August 2012

7,262 GMF members, 33% are female members.[277] Women have an important role to play in the maintenance of clean water supply facilities. Through GMFs, rural women can manage their access to clean water. Before the State Budget for 2013 was ratified, GMFs faced obstacles in operating their activities. Only 35% of facilities are fully functioning and 45% are partially functioning due to lack of support and funding. The MOP has considered the need to support the reactivation and the sustainability of GMFs for the longer term sustainability of clean water supplies by making it a main priority for the 2013 General State Budget.[278]

**Support to Women's Economic and Income Generating Activities**

319. The Government though SEPFOPE is creating opportunities for rural women to become self-employed and create self-help groups through various skills-building initiatives in partnership with IADE. SEPFOPE and IADE have been funding trainings for employers and entrepreneurs in order to support small enterprise groups in rural areas, including women's enterprise groups.[279] Furthermore, the former MED had also been providing counseling for members of cooperative groups, training 3059 participants in rural areas.[280]

320. The former MED and ILO had jointly developed activities such local products Fairs, with the first in 2008 with 51 exhibitioners, mainly rural women. Total revenues progressively rose from $24,161.00 USD in 2008 to $30,245.00 USD in 2010. The former MED also provided funding for women organizations to an amount of $30,000.00 USD for which 100% was directed to women. In addition, MED cooperated with ILO to developing a training program for 500 contractors, 200 of them women competing in bidding processes and training for 60 trainees entrepreneurs, 15 women and 45 men.[281]

321. Based on information from SEPI district visits from 2009 to 2012, women have been involved in cooperatives and small groups to raise animals, sew, farm, and make loans and savings, using their own capital, support from local NGOs and SEPI.[282] (Refer to the cash transfer programme section of the present report).

*MAP's Cash transfer programme*

322. In 2008 the Government started the "Community Development Fund for Agriculture" (FDCA), implemented by the MAP focusing on development of agricultural activities from women groups, such as raising animals (cows, buffaloes, goats, pigs and poultry), reforestation projects including coconut trees, raising agricultural seedlings, and fishpond projects. The maximum budget allocated for each activity was $5,000 USD. In 2011, 79 rural women's groups benefited from this program of a total of more than 950 women with an average of $850 USD per group.

323. MAP also facilitates access to technology by supporting rural areas with material assistance (e.g. tractors or manual tractors), where women also benefitted

[277] SIBS – Sistema Informasaun Bee no Saneamento

[278] Ministry of Infrastructure, August 2012 and Besik programme from the CEDAW Consultative Workshop, March 2013

[279] SEPFOPE, during Consultative Workshop on CEDAW 2nd & 3rd Periodic report, 13 – 14 March 2013.

[280] Response from MED to CEDAW questionnaire, August 2012.

[281] Ibid.

[282] SEPI, interview with Armando da Costa, in response to CEDAW questionnaire

(8 groups in 5 districts in 2010). This progamme also includes trainings, mainly related to value added agricultural products.[283]

## Article 15: Equality before the law

324. Despite the articles 16 and 17 of the National Constitution on 'Universality and Equality' and 'Equality between women and men', a number of circumstances make women's participation and enjoyment of formal justice (as well as traditional justice) limited. Since the large majority of cases brought to the court by women are related to physical violence, please refer to the GBV Section of the present report.

325. On the enjoyment of justice by female victims of domestic violence, a recent research from Fokupers revealed a reason many people voiced for not calling the police and going through the formal justice process is concern that the law will lead to couples separating. Women consistently say they do not want their husbands in prison, and it is essential that socialization makes clear that this is not the inevitable outcome of calling the police.[284]

### Legal capacity

326. The most critical update in regards to equality before the law on civil matters is the enactment of the Civil Code in 2011 differing significantly from the Indonesian Civil Code previously in force. In addition to establish the equality between spouses (Art. 1559) and the leveling of the minimum age of marriage for both men and women to 17 years old (Art. 118/1548-1486/1490); the new Civil Code does not differentiate between men and women regarding legal capacity, their right to conclude contracts and no one can even waive, in whole or in part, his/her legal capacity (Art. 66). Art. 78, confirms the provision of the Art. 66 prohibiting the voluntary limitation of personal rights.

327. The absence of any difference of regime in legal capacity between women and men, places both of them in a position of absolute equality, whether in exercising their rights or their obligations relating to ownership of property, succession, rights and duties as a spouse or parents. The Civil Law deals with women and men as subjects of legal relations, assigning them equal legal capacity and exercise of rights.[285]

*Administration of marital property*

328. The 2011 Civil Code also provides in Art. 1570 each spouse may manage his/her own assets but also is entitled to the acts of ordinary administration for the goods of both spouses; with remaining acts of administration practiced with the consent of both spouses.

329. Art. 1574 stipulates that "the alienation or encumbrance of common property whose administration that lies on the two spouses requires the consent of both, except in the case of acts of ordinary administration."

[283] MAP's response to CEDAW questionnaire, Dili, September 2012

[284] 'Married-in and Married-out culture report', Nasrin Khan and Selma Hyati, Fokupers, Dili , April 2012, p.46

[285] Response of Ministry of Justice to CEDAW Questionnaire, Dili, Sept. 2012

330. The 2009-10 DHS collected data on women's participation in decision-making within household, confirming that most decisions regarding marital property, purchases of daily and major household needs are taken jointly between spouses.[286]

*Family residence*

331. The 2011 Civil Code stipulated that spouses must choose their family residence by common agreement (Art. 1561.1). In case of disagreement between spouses on the establishment or modification of the family home, the court will make a judgment (Art. 1561.3).

332. This right to choose the family home by agreement is mitigated in practice by customary practices. Commonly in traditional marriage of both patrilocal and matrilocal cultures, either the married women or the men are obliged to leave their own family and join the family of the spouse.[287]

**Access to justice**

333. Please refer to the paragraph on access to justice in the GBV section.

## Article 16: Marriage and Family life

**Traditional marriage and its regulation by the Civil Code**

334. Marriage is considered a central institution in Timor-Leste, and the foundation of social organization. In the traditional customary practices, marriage is celebrated through either patrilineal or matrilineal lineage clan systems. The customary practice that seals relations between the families of the bride and groom consists of a gift-exchange between the couples' family, which is called *barlake*. Marriage following the traditional rules (known as *lisan* - beliefs and values held by each clan) regulates most of aspects of family life, including ownership of property, funeral rituals, burial locations, and the roles of sons and daughters."[288]

335. The 2011 Civil Code regulates marriage and describes it under Art. 1467 as "a contract between by two persons of different sexes that intend to constitute a family by means of a full life community under the terms and provisions of this Code."

336. The Civil Code recognizes 3 forms of marriage under the Art. 1475 (1): civil, catholic or traditional. The last 2 forms of marriage are granted the same value as a civil marriage as far as they follow civil law principles established in the subsequent articles.

*Registration of All Marriages*

337. The 2011 Civil Code requires registration of all marriages of Timorese citizens inside or outside the country (Art. 1538), in order for the marriage to be officially recognized. Art. 1542 (3) calls for the witness registration of all monogamous traditional marriages. The regulation of marriages through registration should

[286] 2009/10 DHS, Dili, 2010

[287] Nasrin Khan and Selma Hyati, Bride-Price and Domestic Violence in Timor-Leste, April 2012, p. 24 and 29.

[288] Nasrin Khan and Selma Hyati, Bride-Price and Domestic Violence in Timor-Leste, April 2012 p. 23

enable the State to disallow certain types of marriage of concern, such as polygynous union and underage marriage.

338. The Catholic Church has also contributed to combating polygamy by controlling marriage registrations, and supporting monogamic marriage as reflected in the Civil Code. In this regard, Art. 1542 (1) provides that for any catholic marriage celebrated in Timor-Leste, the parish priest must send a duplicate of the parish record to the civil registration service, for transcription into the civil book.

*The minimum legal age for marriage*

339. Discrimination existed between men and women in regards to the minimum legal age for marriage in the Indonesian Civil Code previously in force (Art. 29: 15 years for females and 18 for males).[289] The 2011 Civil Code established the legal age of marriage at 17 years for both men and women (Art. 1493) which implies an improvement for girls.

340. Art. 1500 of the Civil Code authorizes marriage of an individual under 17 and over 16 years, but it must be authorized by the parents or tutor (Art. 1493). Marriage under 16 years is prohibited (Art. 1490).[290]

*Youth Betrothal and Underage Marriage*

341. Despite the raising the minimum legal age for marriage, the 2009-10 DHS shows that there has been a noticeable *decrease* in the median age at marriage over the last few decades from 22.0 years among women currently aged 45-49, to 20.6 years among women currently aged 25-29. This trend is in contrast to what is usually seen in countries undergoing social change and increased access to schooling, which typically bring about a delay in the age at marriage.[291]

342. An explanation can be found in the system of dowry accepted in some communities in Timor-Leste, in which a man pays dowry to the prospective bride's family, could exert some pressure or early marriage among women, because a man who marries a woman who is already pregnant is not obliged to give a dowry to her family prior to marriage.[292]

*Fighting Polygamy*

343. While the Civil Code recognizes 3 forms of marriage, they all must be monogamic according to Art. 1475 (1). However, the attitude of having more than one wife is still a recurrent practice, mostly through traditional proceedings. Data from the 2009-10 TLDHS show that about 2% of currently married women are in a polygynous union. The data further indicate that women in the youngest age group (age 15-19) and older women (40-49) are more likely to be in polygynous unions than women age 20-39. For example, almost 3% of women age 45-49 are in a polygynous union compared with 1% of women age 20-24.[293]

344. Polygamy was considered as one of the main issues to be addressed by National Women's Congress Action Plan for 2008 – 2012 as it is one of the practices that both reinforces and exacerbates GBV. It was argued by the women's congress

[289] CCD 2007, Marriage – Minimum Age, p. 155
[290] Response from MJ, July 2012, and GMPTL, October 2012
[291] 2009-10 DHS, p.82
[292] Ibid.
[293] Ibid., p. 113

that polygamy can lead to divorce, economic instability, can cause frustration and psychological problems among women and children which in turn may result in DV.[294]

**Family, inheritance and ownership rights**

345. In the traditional custom, marriage is viewed as not only an alliance between two individuals, but it involves a set of relationships and obligations between the extended families – referred as *umane* for the bride's family and *fetosan* for the groom's family.

346. The definition of family included in Art. 3 of the LADV fits in this context through its extended interpretation of the family. Art. 1466 of the Civil Code also provides that marriage, kindred, affinity, and adoption are family juridical relationship sources.

347. As a result, and despite the provisions of the Civil Code, the inheritance system continues to follow matrilineal and patrilineal lines, especially in rural areas. (please refer to Initial Report – Women's enjoyment of Land).[295]

*Inheritance according to Civil Code*

348. In matters of succession under the 2011 Civil Code, men and women hold same capacity of succession, i.e., the same ability to inherit or receive property under its own rules of third-heirs and legatees and the right of representation (Arts 1896 and 1903). Under Art. 1897, "[…] all persons born or conceived at the time of opening of succession, are not excluded by law" to have the right to inherit. The law also defines the clauses of successors, determining the regime in which they are called heirs, without making any distinction between men and women.[296]

*De facto relationships*

349. In terms of consensual/de facto partners' rights to property, in the cultural point of view, men and women who live together without a formal process are said to have "taken" one another; this form of cohabitation is recognized as analogous to marriage, but does not have any binding character, and does not bring with it the structure of obligations and duties binding both parties' families that marriage brings.[297] Hence, their right to ownership of properties can be vulnerable.

350. While *de facto* partners are recognized in the LADV within the list of family members of the Art 3 (b), the Civil Code excludes *de facto* partners in its definition of family. The Gender and Land Law Working Group of 2009 was concerned about the protection of the rights of *de facto* partners and recommended that the Civil Code under development grant *de facto* partners equal rights as couples in civil marriages, including in relation to land and property rights under the law.[298]

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[294] Timor-Leste Women's Congress, Plan of Action for 2008 – 2012, Women and Cultural Sector, Activity 5, p. 9.

[295] Ibid, p. 29

[296] Response of Ministry of Justice to CEDAW Questionnaire, Dili, Sept. 2012

[297] Nasrin Khan and Selma Hyati, Bride-Price and Domestic Violence in Timor-Leste, April 2012, p. 23

[298] Gender and Land Law Working Group: Strengthening Women's Rights to Land and Property: Recommendation to the Draft RDTL Civil Code, 13 February 2009, p 2.

**Choice of spouse**

351. Even though in the most conservative system of traditional marriage, representatives of the couple's families are responsible of the discussions of the gift-exchange, in which the couple itself is not involved in either the matrilineal or patrilineal traditions, young couples are generally allowed to choose their own partners.[299] Furthermore, it must be noted that practices in traditional marriage are evolving towards becoming more participative.

352. According to the Constitution every individual has the right to choose his/her own husband/wife/partner upon free decision, and it occurs in view of the interests of both parties.[300] Changes have occurred, as the new generation is more likely to be free to decide and chose who they want to marry as compared to older generations. Even so, they still cannot avoid *barlake* or *lisan* obligations.

**Rights and responsibilities of the spouses**

353. The Civil Code provides for the equality of spouses and the joint direction of the family. Equal rights and duties imply both spouses shall agree on the direction of the common life – Art. 1559. Whether in terms of personal effects or property produced by marriage, the law establishes equality between spouses, both in rights and duties. Art. 1560 stipulates that "the spouses are mutually bound by duties of respect, fidelity, cohabitation, cooperation and assistance."[301]

354. Art. 1562 refers to the "obligation to provide help and mutual support and joint responsibilities related to family life". Art. 1564 mentions "the right to contribute to the burden of the family life is the responsibility of both spouses [...]." Rules on managing private and public assets and their exercise is contained in Art. 1570 and 1573, requiring the approval of both spouses to dispose of or encumber immovable properties (Art. 1575).[302] It is of interest that the 2011 Civil Code also contains a specific provision, Art 1569, on the freedom of both spouses to practice any profession or activity without the consent of the other spouse.

355. However, in traditional culture, both among *patrilocal* and *matrilocal* communities, the husband is the head of the family and hence, responsible for earning money. The wife takes care of the house, looks after children, and helps the husband on the field in busiest times. The wife may also earn money through a secondary activity (making *ta'is*, selling fuel, or paid employment), but this does not diminish her role in the home.[303]

**Divorce**

356. The Civil Code provides for divorce in Art. 1650 - "the court may be required by both spouses jointly, or by one against the other, in the latter case, on the ground of culpable violation of marital duties". The division of property is related to the

[299] Nasrin Khan and Selma Hyati, Bride-Price and Domestic Violence in Timor-Leste, April 2012, p. 41

[300] Response from MJ to CEDAW questionnaire, July 2012.

[301] Ibid.

[302] Ibid.

[303] Nasrin Khan and Selma Hyati, Bride-Price and Domestic Violence in Timor-Leste, April 2012, p. 40

property regime chosen for the wedding and the consensual nature of the dispute or divorce.[304]

**Waiting period to remarry after divorce and death of a spouse**

357. The Civil Code contains a provision on the period of time to be awaited to re-enter in a marriage after divorce or death of a spouse (inter-nuptial time) of 180 days for men and 300 days for women (Art. 1494).[305] The law allows woman to marry after 180 days if she obtains "judicial declaration ascertaining that she is not pregnant or if she does not have a child after dissolution, declaration of nullity or annulment of previous marriage" (Art. 1494-2).[306]

358. This difference in inter-nuptial time for men and women may derive from social dogma in terms of widowhood, as the law imposes 'official mourning' between the dissolution of the previous marriage and the celebration of a new one. It may also intend to avoid *turbatio sanguinis* or conflict of legal presumptions of paternity for the child born in the period following the celebration of the second marriage.[307]

359. Following Timor-Leste's customary practices, the usual period to be awaited by a woman or man before re-marriage after the death of a spouse is one year (at least 360 days). After all the ceremonies (*lisan* for death and funeral) are completed by both the groom's family (*fetosan*) and the bride's family (*umane*), it marks the end of the mourning and he/she is granted the right to begin a new life.

360. Another common customary practice after the death of a spouse and not covered or addressed by the Civil Code, is the forced remarriage of the widow/widower with either the brother or sister in-laws of the deceased spouse.[308]

[304] Ibid.
[305] Ibid. and GMPTL, November 2012
[306] Ibid.
[307] Response by MJ, July 2012.
[308] Inputs from Civil Society and PDHJ during the consultative workshop of the CEDAW Report, Dili, 14th March 2013